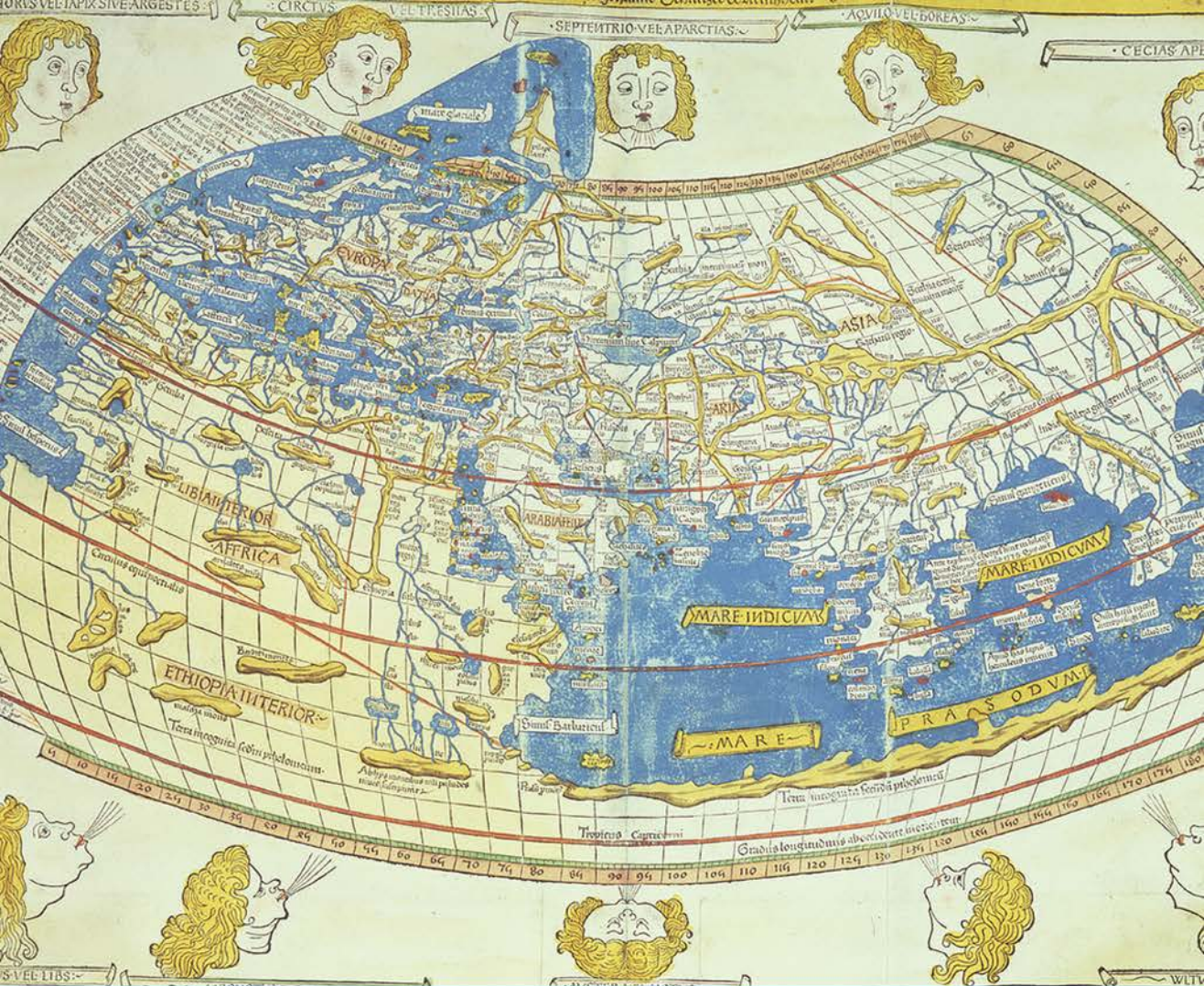




The Medieval World

SECOND EDITION

Edited by
PETER LINEHAN, JANET L. NELSON
AND MARIOS COSTAMBEYS



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Peter Linehan, Janet L. Nelson
and Marios Costambeys

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European context. Among her publications is a study of *Brian Boru: Ireland's Greatest King?* (2008) and, as co-editor, two volumes presenting the research of a Leverhulme Trust-funded project: *Converting the Isles, I: The Introduction of Christianity into the Early Medieval World* (2016) and *II: Transforming Landscapes of Belief in the Early Insular World and Beyond* (2017).

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ABBREVIATIONS



BHL	<i>Bibliotheca hagiographica latina antiquae et mediae aetatis</i>
CCSL	<i>Corpus Christianorum series Latina</i>
CSEL	<i>Corpus scriptorum ecclesiasticorum latinorum</i>
FRB	<i>Fontes rerum Bohemicarum</i>
MGH	Monumenta Germaniae Historica
PL	J. P. Migne, <i>Patrologia Latina</i> , 217 vols.
SC	Sources chrétiennes, Paris: Éds du Cerf
SRA	Scriptores rerum Austriacarum

PREFACE TO THE SECOND EDITION



Peter Linehan and Marios Costambeys

Sixteen years on, but with memories of the generally generous welcome received on its first outing still fresh, it is time to revisit *The Medieval World*. With many of its existing chapters substantially revised or with updated bibliographies, and six new contributions to add to them – Cameron and Rodríguez Porto in Part I; Lambertini and Watkins in Part II; Zutshi in Part III; and Garnett in Part IV – readers are here offered a medieval world refreshed and refurbished. While welcoming the new toilers in the vineyard we also lament the loss since 2001 of five valued colleagues: Jim Brundage, Jimmy Burns, Jacques Le Goff, Yoshiki Morimoto and Timothy Reuter.

‘Highly stimulating’, ‘highly enjoyable’, critics found its predecessor, ‘distilling something of the lively spirit and substance of the subject into a single, concentrated product’, even ‘the perfect cure for the tired course’. But they also found gaps in its coverage and remarked on them. Doubtless their successors will do so again. Thirteenth-century Ipswich will be found to have been neglected and medieval water courses short-changed. The editors (one new, the other a survivor) will be surprised if it proves otherwise. They can only plead that no single volume could accommodate the sheer variety of coverage that the medieval millennium ideally deserves to receive.

Both the editors and the edition benefitted greatly from the superior organisational skills of Dr Casey Beaumont, whom we thank warmly. Without her help, preparation of the edition would not have proceeded as smoothly as it did.

We thank again all our contributors for their kindness and consideration and take this opportunity also to thank Laura Pilsworth, Morwenna Scott and, especially, Catherine Aitken at Routledge for all their help and advice.

CHAPTER ONE

INTRODUCTION



The word ‘medieval’, derived from ‘the Middle Ages’, that is, the period between Classical Antiquity and the Renaissance, only really has any meaning (how much is debatable) with reference to Europe. But what is Europe? The contributions in Part I address that question, directly or indirectly, from many different angles. First and foremost, European culture was based on that of Rome which in many ways incorporated that of Greece. The existence of the Roman Empire between the first century BC and the fifth century AD ensured that classical forms and norms were spread and rooted throughout much of geographical Europe. In, say, 400, urban civilisation, with its aqueducts, theatres, forums, temples, looked similar whether you were in Bordeaux or Brindisi, Tarragona or Thessaloniki. Roman citizens using the same law could make contracts that were standard in form, and equally valid, in London and Lyons, Nantes and Naples. Latin was the language of the military and of the educated in Cologne or Corinth, Seville or Syracuse. Surveyors and engineers worked to the same rule-books in Galicia and Calabria. Over all these aspects of social life brooded the Roman state, with its tax system, its armies, its vast public works.

Yet this neat picture of homogeneity is only part of the story. Regional differences remained fundamental, rooted as they were in geography and ecology. The economic integration of city and countryside, and the pervasive impact of human action on the landscape, were nowhere clearer than in the Po valley, the region that since the later sixth century, thanks to the arrival then of Lombards from the Danube area, has been called Lombardy. Settlement patterns there would change little between Roman times and the twentieth century. Contrast, though, the region’s political centrality to the Roman Empire, especially *c.*400 when the imperial capital was Milan, with its political fragmentation in the Middle Ages; and then again, contrast that fragmentation with the region’s economic centrality from the twelfth to the fifteenth century. Many other regions never displayed the standard, symmetrical, land divisions of the Po valley, or boasted its bustling commercial cities: Galicia and Brittany retained their own distinct Celtic languages and legal customs into modern times, the Tyrol and the Tuscan Appennines kept their distinctive forms of land-use. Beneath its smooth surface, the Roman Empire, especially towards its more mountainous spines and peripheral edges, was lumpily diverse. In the Middle Ages, with

the superstructure of the imperial regime removed, that regional diversity became fascinatingly obvious, not least in the emergence from Latin of distinct Romance languages such as Occitan, Catalan and Provençal. Now, in the early twenty-first century, Europeans worry about the fading of local customs and centuries- (perhaps millennia-) old forms of land-use, and struggle to preserve (and reinvent) regional traditions.

Such differences at the level of whole provinces, say the divisions between Spain and France and Italy, crystallised in new political formations in the fifth and sixth centuries, with the establishment of kingdoms. Even though Charlemagne (as every continental school-boy and -girl knows) was crowned emperor on Christmas Day 800 and so revived a Roman Empire in the west, this was a mere ghost of the old, and never worked as an institutionalised unified state. For the most part, the medieval state was the kingdom: a new, distinctively medieval, unit of political power, with a new ideological basis in the bond between king and people and the territorial specificity of its own cult-sites and ritual centres. While it is certainly true that most modern European states have been busily fabricating ‘medieval’ traditions for themselves since at least the nineteenth century, not all traditions claiming medieval roots are bogus: in England, the legal system, for instance, and in France, the notion of national unity, are, in truth, medieval creations.

On the other hand, medieval kingdoms were untidy states. They claimed no monopoly on political power within their boundaries (though they did have clear boundaries), but instead accommodated multiple levels of relatively autonomous power – such as aristocratic territorial lordships, or regional elites whose collective ascendancy was institutionalised in assemblies – and discrete cells of power in the forms of towns privileged with rights of self-government. Power in medieval societies, in short, was layered and split, in ways that made them, functionally and conceptually, very different from the Roman Empire. For that matter, medieval layers and splits are distinct from modern ones, and hence not captured (hard as some historians have tried) by modern concepts of devolution and subsidiarity.

Within the Roman Empire, there was another kind of difference, on a much vaster scale than that between regions and provinces: the division between East and West. The formation of the empire had gummed Greek-speaking and Latin-speaking areas together, but could not make them cohere. The legacy of Hellenistic monarchy, that is, of Alexander the Great and his heirs, which predated Rome’s conquest of Greece and the eastern Mediterranean lands, and made its own amalgam of near-eastern and Greek cultures, proved remarkably durable. Empire penetrated the depths of political life in Greece, Asia Minor, the Levant, and Egypt as it never did in the land-mass of Rome’s western provinces with their very different traditions of aristocratic ‘liberty’. Bi-lingualism in Greek and Latin was official in the Roman Empire – laws were issued in both languages, for instance – but in social practice people mostly used one or the other – or one of any number of other regional languages. Elites in Asia Minor or Egypt used Greek, in Spain and Gaul, Latin. The administrative division of the empire between East and West in the fourth and fifth centuries coincided with the period of political strain and eventual division in the West brought about by the immigration of ‘barbarians’ (as Roman writers called the Goths, Franks, Vandals, and others) and the formation of ‘barbarian’ kingdoms. After 476, there was no longer a western emperor at all. The establishment of a kingdom involved some degree

of violent expropriation of the indigenous provincial populations but a much larger degree of cooperation and entente between indigenous elites and incoming ones. For example, the creation of a kingdom covering most of Gaul by Clovis, king of the Franks, and his followers in the decades around 500 could not have been achieved without such indigenous collaboration. Paradoxically, though, Clovis made sure of the approval of the emperor in far-off Constantinople: the idea of empire persisted even when, and where, no eastern cavalry would ever appear over the horizon.

There never was any neat coincidence between the Roman Empire and Europe: on the one hand, much of the European continent was beyond the bounds of the empire; on the other, the empire stretched, eastwards and southwards, into large swathes of Asia and Africa. What happened in the centuries between *c.*400 and *c.*1500 was that Europe took shape, filled its spaces, acquired an identity of sorts. The result was a world with clear debts to Rome, but just as clearly, very different from it. To weigh up the contrasts and the continuities – and to observe the contrasts emerging as more important than the continuities – the most direct way is to consider religious change over the long run. First, Christianity grew up within the Roman Empire, to become its official religion in the fourth century. An emperor's act of state could not magic cultural integration into being. Over many centuries, however, Christianisation pervaded the forms and norms of the old empire and spread far beyond: it was not Roman-imperial but medieval missionaries who took Christianity to the lands beyond the Rhine: (using modern terminology) to Scotland in the seventh century, Germany in the eighth, Denmark and Sweden and Norway in the ninth and tenth, Poland, Czechia and Hungary in the tenth and eleventh. Even that picture of a process is too tidy: there is always an exception, in this case Ireland, never part of the Roman Empire but converted in Roman times by multiple individual efforts, a spin-off from contacts established through trading, including slave-trading. Thus Irish missionaries played a part in many of those earlier-medieval enterprises which by *c.*1000 had brought most of western, northern and central Europe into Christendom.

In *c.*1000, that Christendom was one. At the same time, it was, for all practical purposes, divided. Divided, first, in the sense that there were, even among those kingdoms and people converted by Latin-using missionaries, multiple local and regional churches with distinct cultic traditions which, given the importance of ritual in religion, mattered a great deal to their practitioners. There were also distinct structures of church government within the various kingdoms, and in these churches-within-kingdoms, churchmen unsurprisingly operated with the support of kings and aristocrats. Although the pope was recognised as the successor to St Peter and custodian of Peter's relics in Rome, papal authority was precisely of this cultic kind. Many pilgrims journeyed to Rome, yet seldom did earlier-medieval Christians appeal to the pope for judgment. Bishops and archbishops in their own church councils ran ecclesiastical government on provincial lines.

Christendom was divided, too, on grander lines. Rome was only one of five patriarchal sees: the other four, reflecting the eastern Mediterranean origins of Christianity itself, were located in the eastern Roman Empire, in Constantinople – that was naturally the most important, being the imperial capital – and in Antioch, Jerusalem and Alexandria. By *c.*1000, Constantinople (for reasons to be outlined presently) was left as the only politically significant eastern player: its patriarch

confronted the pope in Rome as one ecclesiastical leader to another. ‘Confronted’, however, only in a figurative sense: for one thing, there was seldom any issue that divided them, for another, patriarch and pope never actually met, since in the three centuries before 1000, there was relatively little ecclesiastical coming and going between western and eastern Christian worlds, and occasional embassies could take care of such contacts as there were. As within the West, cultic differences had insensibly come into being, and grown, between East and West. The eastern emperors had never given up their universal claims. Though they grudgingly acknowledged western emperors from Charlemagne on, they never recognised them as Roman: instead the Greek-speaker with his capital in Constantinople was the sole *basileus Romaion*, emperor of the Romans. (‘Byzantium’, ‘the Byzantine Empire’, are modern historians’ terms which no *basileus* would ever have used.) Charlemagne’s grandsons, in the ninth century, were powerful enough as kings to have political ambitions in central Europe. Here they inevitably competed (‘clashed’ would overstate the case) with Constantinople’s ambitions to extend its cultural and diplomatic influence. Missionaries, from the barbarian successor-states to the Frankish empire on the one hand, Byzantium on the other, vied to convert Bulgars, Moravians, and Russians. Geography had much to do with outcomes. By c.1000, the dividing-lines of European Christendom between East and West had been fixed where they remain today: with Poland, Czechia and Hungary, and, further south, Croatia, in the Latin Church, Bulgaria, Russia, and Serbia in the Greek one. Yet c.1000, a German bishop, hearing of Greek clergy’s conversion of the Russian prince, rejoiced that he was now with ‘us’, meaning Christians. In both East and West, there was still a sense of Christendom as one.

That sense, at least on the part of churchmen, was fostered from the seventh century onwards by the rise of Islam. Within four generations of Muḥammad’s death in 632, Muslim armies had conquered much of what had been the Asiatic and African provinces of the Roman Empire – Syria, Palestine, Egypt, and North Africa including what are now Libya, Algeria and Morocco – and finally, in 711–14 virtually the whole of the Iberian peninsula. Constantinople lost all its eastern provinces except Anatolia which nevertheless suffered repeated raids. In the Mediterranean itself, Arab fleets conquered Cyprus and later Crete (825) and Sicily (827). Churchmen in both East and West, when they mentioned these disasters, attributed them to divine punishment for Christians’ sins and called for repentance. Yet for the most part, regarding those they called ‘Saracens’ or ‘Hagarenes’, churchmen said little and, as far as religion went, understood less. Within regions under Muslim rule, Christians suffered no persecution unless they courted martyrdom. Church leaders in Córdoba and Carthage, Damascus and Jerusalem advocated a policy of peaceful coexistence. Christian potentates, especially in the West, did not differentiate on grounds of religion between those rulers with whom they entertained diplomatic contacts: Charlemagne received envoys from ‘the kings of the Irish’ and ‘the king of the Persians’, the latter’s being more welcome because their master was far more prestigious and sent far richer gifts. By c.1000, the emirate at Córdoba had declared itself an independent caliphate and its power was at its zenith. The envoy of Otto I of Germany to Córdoba was mightily impressed, in 953, by the caliph’s wealth and military power, and thought his regime might have something to offer by way of a role-model to a German kingdom racked by intra-dynastic disputes and regional rebellion.

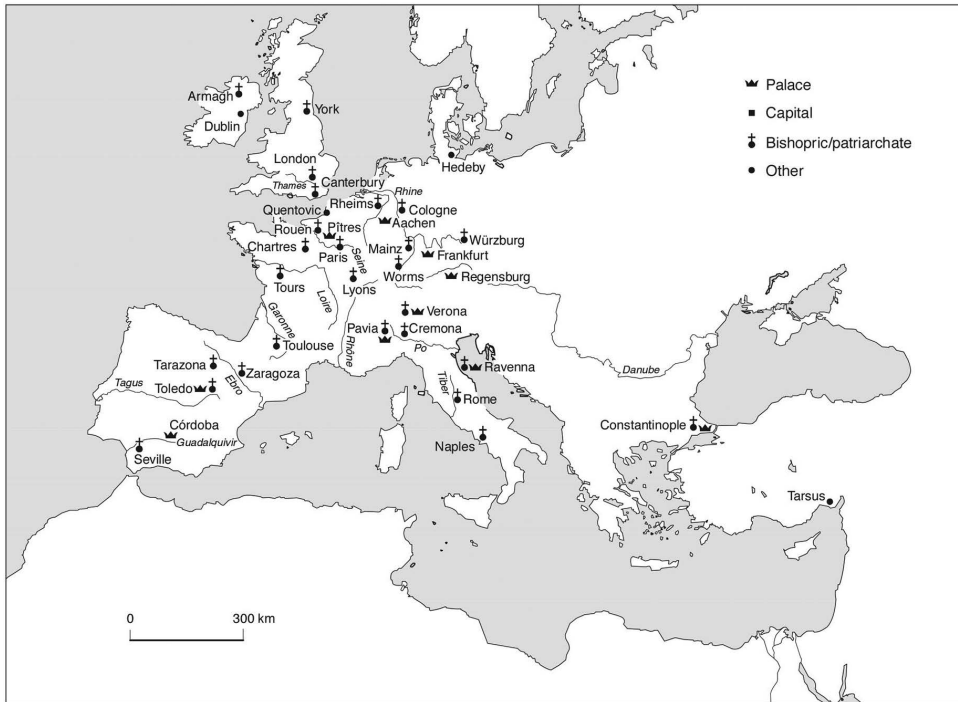


Figure 1.1 Map of early Medieval Europe.

In the eleventh and twelfth centuries, this relatively comfortable world of live-and-let-live changed dramatically and permanently, as Latin Christendom went on the march. The motors of change were demographic and economic growth. Western aristocracies and peasantries alike were producing larger numbers of surviving offspring. These could not be contained within the old structures of settlement and land-owning. Adjustments that over centuries had been gradual and obscure now tipped into explosive change. New lands were brought into cultivation and new villages and towns proliferated with the encouragement of lords; output increased, as did the volume of exchanges between countryside and towns. By *c.*1200, significant sectors of the economy were effectively monetised. Aristocratic youths competed for the lands, heiresses, the profits of war. Colonising efforts led and manned by ambitious and aggressive nobles also involved the mobilisation of peasant enterprise. Western Europe began to expand on frontier after frontier: in the British Isles as Anglo-Saxon, then Anglo-Norman, war-lords and settlers moved into the Celtic lands; in Spain as Leonese–Castilian and Aragonese, with plenty of French freebooters in support, took first treasure, then territory, from the now-fragmented states of Muslim al-Andalus; in southern Italy and Sicily, as Norman mercenaries-turned-colonists carved out for themselves a kingdom in the sun; in Palestine with the establishment, mostly by French and Flemish and (again) Norman nobles, of a Latin Christian kingdom and satellite principalities in the wake of the First Crusade (1099), then with the creation by Italian merchants of commercial enclaves in the coastal towns

of Syria and Palestine and also in the great ports of Byzantium; and in central and northern Europe, as German nobles and their followers imposed their lordship over Slavs and others in the Baltic lands. It was not all aggression and expropriation: on some of these frontiers, especially in central Europe, there was peaceful settlement on newly cultivated lands and in newly founded towns. But one story of Europe in the central Middle Ages is of militarism, colonialism, and racism. Some of its main aspects are the themes of chapters in Part I.

The Europe that expanded was Latin, not Greek: indeed Latin Europe's expansion was at the expense of, among others, the Greeks. Relations that, with ups and downs, had been relatively smooth in the earlier Middle Ages now became rough; and a breach over ritual differences and ecclesiastical politics in 1054 that seemed repairable in the twelfth century was made irreparable after the conquest and plundering of Constantinople in 1204 by westerners on the Fourth Crusade. The late medieval West integrated word and image, now in secular books written for lay readerships, in its appropriation of shared antiquity. In the Eastern Mediterranean, crusading, primarily directed against Muslims, always involved Eastern Christian victims as well. In western Europe, Jews were victims of savage pogroms at the time of the First Crusade (1096). A European identity was formed at the expense of minorities: to identify and organise was also to exclude. There was a clear link between crusading and the persecution of the Jews. In Spain, where Muslims, Christians and Jews had co-existed, and even in a few cases co-operated intellectually by the fruitful exchange of their various readings of classical philosophy and cosmological lore, the spirit of live-and-let-live came under increasing pressure. By the mid-thirteenth century, the policing of the frontiers of Latin Christian belief and cultic practice had been assigned to professional inquisitors, and heretics as well as infidels were on the run. While Byzantium retained a sense of its own imperial distinctiveness, some western Europeans, and these included traders as well as missionaries and scholars, were becoming aware of cultures far to the East, beyond the Byzantine empire and beyond Islam. The forms and tempo of external contact varied in different regions. Hungary's self-identification came in the fourteenth century, by reference to the pagan Cumans. By the later Middle Ages, Europe had become Europe by negation: by asserting what it was not, and by proscribing assorted Others.

One European identity, or perhaps one set of identities, forms much of the substance of the stories in Part I. These stories, articulated in the late twentieth century, are well-suited to the mood of post-colonial times. There are other possible stories, though, and other more positive images of medieval Europe emerge in this book. In terms of recent historians' writing, the Latin Christian Church stands in the centre of contested territory: persecutor or emancipator, instrument of oppression or enabling agency? Marxist historiography contributed much to the demonising of a feudal Church, aligned with the powers that were, manipulating and exploiting the ignorant. Yet it was Antonio Gramsci who identified Saints Francis and Dominic and their followers the friars as prototypes of organic intellectuals, by which he meant that they identified with and articulated the interests of the poor and unprivileged. The Church itself was both the site and the agent of social change. As a collectivity of believers, it represented demand for cultic and symbolic adaptation to new circumstances. As an institution, it responded to such demand. The Church was the beneficiary of demographic and economic growth: new land, new recruits, and new

money made possible new church foundations and new and larger church schools producing trained personnel. The availability of new capital and new cadres made possible institutional consolidation. A centralised ecclesiastical government presupposed widely supported means and ends. The means were supplied by the income from Christendom-wide taxation to which the crusades gave the first big spur. The ends were provided by the needs of increasing numbers of churches (with a small ‘c’), and also of lay individuals and communities, for authoritative intervention in their disputes over power and resources. In the earlier Middle Ages, such disputes had generally been resolved locally, by consensus or by violence. In the central Middle Ages, a larger and more differentiated world required new agencies of organisation and conciliation. No secular regime could supply these on the scale required. The popes of the central Middle Ages capitalised on a unique set of circumstances, responded to demand, found qualified agents and supporters. Thus was created the first great European government, the high-medieval papacy – perceived by contemporaries (who were anything but naive) not just as the venal instrument of vested interests, but as a utility, and a force for good. This book faithfully represents the complexity of the medieval Church as a distinctively European phenomenon – as the conduit of authority which legitimated the power exercised by Europe’s secular rulers, and as the institution which, while proclaiming the belief that there was no tomorrow, nevertheless proceeded as though it was all destined to go on forever.

The placing of Part I’s final chapter is deliberate. Identities, medieval and modern, are constructs of selves and others at the same time. Thus, how modern people see the Middle Ages tells us as much about ourselves as about them. Many modern writers of fiction, in a number of genres, have used a blend of historical knowledge and imagination to represent times and places that are more or less evocatively medieval, and more or less historical, from Middle Earth to Camelot. Umberto Eco’s *The Name of the Rose* enjoyed huge success among those sometimes called the chattering classes, world-wide. The audience for Ellis Peters’ detective stories is different but no less addicted to medieval reconstructions. Film, as a visual medium, is an even better gauger of variety in modern images of the medieval. Where the medieval world is concerned, serious students of history and consumers of fictions and images are not separate categories of people, as most of us well know. As we reflect on the way in which medieval people shaped their identities, we perceive at the same time the instability of the historians’ images – and their self-reflections. In its versions of the Middle Ages, film also shows us ourselves.



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PART I

IDENTITIES

Selves and Others





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CHAPTER TWO

COURTS IN EAST AND WEST



Jonathan Shepard

In most pre-industrial societies formidable practical obstacles face those aspiring to paramount authority over other persons well beyond their own immediate district or kin-group. They rely heavily on face-to-face dealings in order to gain active cooperation from the heads of other powerful families or groupings. Notions of abstract authority which can be delegated by the ruler to his agents are not, without benefit of widespread literacy and urban culture, readily grasped by those due to be drawn into their ambit. A court, in the sense of an entourage of notables revolving around an overlord, of variegated and fluctuating composition but observing ritual deference towards him, is a means of concretising and enhancing his authority. On the one hand, the overlord can hope to reinforce his personal ties with individuals and, on the other, some conception of an order transcending bilateral, essentially personal relationships may be propagated. In this way courts serve to bring focus and cohesion to polities whose paramount rulers rely on the essentially voluntary cooperation of the magnates and others who matter at grass-roots.

It would not be hard to draw a stark contrast between, on the one hand, the courts of rulers in the early medieval West, where a king often dealt with his magnates as, in effect, first among equals and, on the other, the court of the Eastern emperor, glorifying his autocratic rule. Few major Western rulers could afford to remain fixed to a single seat of governance; more often they perambulated between pockets of disposable resources or active allegiance. 'Frontiers' were seldom clear-cut or coterminous with linguistic or other such cultural boundaries and the concept of 'natural barriers' had little force at a time when any form of long-distance communication was hazardous and costly. At the same time, notions at grass-roots of wider regional, let alone 'national' or 'ethnic', identities beyond membership of one's kin-group or immediate locality were indistinct and confined mainly to pious bookmen. The Byzantine *basileus*, in contrast, resided in a city whose monuments bespoke world-class dominion. Through the ceremonial performed at his court the message went out that his rule was God-willed and world-wide, being that of the 'empire of the Romans'. It offered the best hope for mankind's future, in that emperors since Constantine the Great had been charged with the task of converting individuals and peoples to Christianity.

This contrast between East and West is not wholly illusory, but it is important to remember that the concept of the ruler as converter of peoples, guardian of the Church and even, in some sense, high priest, was not exclusive to Byzantium. If the idea of the ruler as a ‘new Constantine’ was most developed and vigorously reiterated in Byzantium (Magdalino 1994; Dagron 2003), it had abiding resonance for politics in the West. The Byzantine court’s image of divinely ordained hierarchy posed a kind of standing reminder as to what ambitious potentates might yet achieve. Of course, their standpoints varied markedly from that of the *basileus*. But when individual rulers turned their attention from primarily martial feats to means of underpinning the *status quo*, the image of imperial order – *taxis* – projected from the Bosphorus had its appeal. Fundamental tasks of maintaining order and defeating rebellion could appear recognisably similar to the rulers of extensive realms in East and West (Shepard 1998: 170).

For both sets of dynasts Christian governance was a matter of upholding grand ideas among ‘small worlds’ and a miscellany of peripheries: in so far as courts generated a kind of magnetic field towards which many disparate elements were drawn, they brought aspirations of rulership closer to realisation. It is probably no accident that some of the most substantial data about the Early Byzantine court relates to the sixth century, when the empire came under pressure on several fronts more or less simultaneously and was riven internally by bitter religious disputes. Justinian’s multiple commitments led him to allow for a ‘soft frontier’ in the Balkans, relying on a sort of archipelago of strongholds, often small and cheaply constructed, to fly the imperial flag amid Slavs, Antes and other aliens newly infesting the Balkans. Outposts were established to the north of the Danube and massive lines of walls were built on the Crimea and on the east coast of the Black Sea (Obolensky 1994a: 3–4, 6–10; Obolensky 1994b: 24–8; Evans 1996: 222–3; Patoura 1997: 79–80, 84–5; Kislinger 1998: 54–8; Montinaro 2012; Sarantis 2016). But neither these measures nor the high-quality defence works raised on the Persian frontier could forestall sudden enemy incursions or the appearance of northern ‘barbarians’ before the capital itself, Constantinople. Thus in 540 Antioch fell to a surprise attack by the Persians and in 558 or 559 a horde of nomads ranged up to the walls of Constantinople and inspired terror in the citizens (Agathias, *Histories*, V.11).¹

Such conspicuous insecurity made the crafting of an image of order, splendour and majesty all the more important to Justinian’s regime. The palace complex, set amid newly built or refurbished sanctuaries, became the visual confirmation of the claim which decree after decree made for the emperor in its preamble: that Justinian was restoring ‘order’ to the level attained in antiquity, while also providing for his subjects’ spiritual welfare, being uniquely answerable for this to God (Maas 1986: 24–5). Some thirty-three churches were built in Constantinople, far in excess of what was needed for strictly pastoral purposes (Mango 1985: 52). They served to house relics and to attract the attention of the saints, ‘for when the emperor is pious, divinity walks not far from human affairs, but is given to mingling with men and to delight in associating with them’ (Procopius, *Buildings*, I.1.27). The church of Holy Wisdom (Haghia Sophia), ‘extraordinary to those who see it, quite unbelievable to those who merely hear of it’ (Procopius, *Buildings*, I.4.24), lay within easy walking and processing distance of the palace, in effect making up the palace complex, together with the Hippodrome. Whether or not Justinian, upon entering Haghia

Sophia, actually exclaimed, ‘Solomon, I have outdone you!’ (Moorhead 1994: 58; Koder 1994, I: 140–2; Evans 1996: 258; Rousseau 1998: 121–30), this saying linked him personally with the building in Byzantine popular tradition. And if we believe Procopius, the emperor and empress deliberately made their palace – which he equates with the court – a social hub: ‘in earlier reigns few visited the palace, and then with difficulty’, but

these two . . . compelled everyone to dance attendance upon them like slaves. Almost any day one could see the law-courts virtually deserted but at the emperor’s court an insolent crowd, elbowing and shoving. . . . Those who were apparently close friends of the imperial couple stood there through the whole day and often much of the night, getting no sleep or food at the normal times, till they were worn out completely: this was all that their apparent good fortune brought them.

(Procopius, *Secret History*, XXX. 30–1)

Procopius’ allegations can never be taken at face value (Cameron 1985: 49–66, 253–60), but they are in key with Justinian’s general tendency to reserve decision-making for himself and to stockpile resources in Constantinople, the city outside which he seldom set foot. Greater numbers of persons frequenting the palace increased the risk of unseemly disarray, while also opening up new opportunities for displays of majesty. It was during Justinian’s reign that court ceremonial was codified to a greater extent than had been thought possible or necessary before, by Peter the Patrician (Cameron 1979b: 7–8; Antonopoulos 1990: 14–15, 157–60, 196–216). And it is no accident that Justinian took steps to formalise his control over the manufacture and wearing of jewellery of the sort used to adorn the costume of emperors and courtiers. Ornaments comprising pearls, emeralds and ‘hyacinths’ (sapphires) were only to be worked up ‘inside my court by palace craftsmen’ (*Corpus iuris civilis*, XI.11.1; Hill 1983: 144–5; Stout 1994: 83, 95–6). While claiming the exclusive right to distribute gold, he sought to monopolise supplies of another vital medium of court life and diplomacy: silk. There can be little doubt that he actively promoted sericulture in Constantinople or that he sought to concentrate the manufacture of fine silks inside his palace complex. Silk worms’ eggs were acquired from India, Central Asia or perhaps from further east along the Silk Routes: it is likely that more than one *démarche* in quest of them is mentioned in our sources (Procopius, *Wars*, I.20.9–12; VIII.17.1–8; Theophanes of Byzantium, in Photius (1959, I: 77–8); Evans 1996: 234–5; Muthesius 1996: 120–2, 270–4).

Procopius’ caricature of Justinian’s court implies that many of those attending were supposed to be enjoying ‘good fortune’, and in fact turned up voluntarily. The long reach of the image of the imperial court is registered by the famous mosaics in Ravenna’s San Vitale: Justinian and Theodora are making presentations before the enthroned Christ. The imperial pair stand out by virtue of their nimbuses, purple vestments and bejewelled imperial headgear. But they do not have exclusive access to the divine: each stands flanked by representatives of high society (Deichmann 1976, II.2: 185–6; 1958, III: *Tafeln* IX and X, figs. 358–65; Stout 1994: 83, 85 and figs. 5.8, 5.9, p. 84). It is very probable that the mosaics were commissioned by Ravenna’s bishop, Maximian, newly arrived after a spell at Constantinople and eager

to flaunt his connections with both God and emperor. He is standing to the right of the emperor, cross in hand, his name inscribed above his head (Deichmann 1969, I: 242–3, 254–5; Deichmann 1976, II.2: 186–7; Deichmann 1958, III: *Tafel* X, figs. 359, 370). Maximian had particular grounds for impressing the emperor's majesty upon the citizens of Ravenna, seeing that they had at first obstructed his entry to



Figure 2.1 St Sophia, Constantinople. Justinian's Church of the Holy Wisdom, constructed 532–7. The inscription in the dome and the four medallions in the choir, as well as the pulpit, the tribune on either side of the apse, the railings and the chandeliers are all post-1453 embellishments. Photo courtesy of Dumbarton Oaks, Washington, DC.

his see. Thus the mosaics themselves refract the allure which the court exerted on those living on the periphery, presenting an image of exclusiveness but also demonstrating the possibility of admission for those who, like Maximian, served the emperor well.

Around AD 566, some twenty years after the mosaics of San Vitale were executed, another provincial, a native of North Africa, composed the fullest surviving tableau of early Byzantine palace ceremonial. Corippus' poem in praise of Justin II focuses on the person of Justinian's nephew and successor and on his special relationship with the palace, 'born in *imperium* and reared in the midst of the palace among the loyal bands and troops of servants' (Corippus 1976: 79, 114), banqueting with his wife off the world's finest wines but then retiring 'to govern so many far-flung peoples' (Corippus 1976: 65, 105). A particular set of events is recounted, the funeral of Justinian and the inauguration rites of the new emperor. In reality these events were fraught with political tension and involved constitutional innovations on Justin's part (Corippus 1976: 5), but they are represented in the court poem as smooth and inevitable: Justin, 'our lord and common benefactor, is the great spring of the court, the spring that enriches all' (Corippus 1976: 35, 86), and his munificence is likened to that of the mother-swallow, which leans over her brood and 'distributes the pious food so as to nourish them all' (Corippus 1976: 81, 115).

The court is thus presented by Corippus as a tranquil environment from which control is rightfully exercised, and patronage dispensed, across the entire world. Extensive coverage is given to Justin's reception of an embassy from the khagan of the Avars. Correct handling of 'barbarians' was a specifically imperial attribute, demonstrated in setpiece receptions: the outsiders were subjected to the court's house-rules, prostrating themselves before the emperor. A speech put into Justin's mouth lays claim to the high moral ground – 'God is the strength and glory of our empire' (Corippus 1976: 21, 107) – but his guards embody the brute force also at his disposal: the envoys upon crossing the threshold beheld 'the tall men standing there. . . . They shuddered at the sight of the lances, and cruel axes and saw the other wonders of the noble procession. And they believed that the Roman palace was another heaven' (Corippus 1976: 68, 107). An imperial spin could be put on the presence of other emissaries at court, giving the impression that it was the consequence of acts of submission on the part of their leaders, and that these potentates were prepared to 'serve' the emperor, furnishing him with military manpower. 'See', said Justin to the Avar envoys, 'Scaldor [another barbarian potentate] is ready to serve in our palace and sends us legates and countless gifts' (Corippus 1976: 72, 109–10, 193). Such manifestations could lead one set of barbarians to suspect that another was willing to cooperate with, if not 'serve', the emperor. This could intimidate them, in turn, into agreeing to cooperation or 'service' with the emperor.

Extant pieces of jewellery and precious fabrics illustrate the imperial court's high standing in far-flung places. For example, early Merovingian jewellers seem to have turned out close imitations of bejewelled collars and other neck ornaments of the style used in the imperial court, and these, in turn, may have set the style for the multipart necklaces with pendants found in southern Scandinavian women's graves (Vierck 1981: 81–3, 88, 90–4; *Abb.* 16, p. 89; *Abb.* 17, p. 91; *Tafel* 9, p. 111; Campbell 1992: 91–3 and n. 99 on 100). And it is not impossible that there were some direct contacts between Scandinavian elite groups and the imperial court: Heruli warriors served in the armies of Justinian (Teall 1965: 299–300, 309–13;

Vierck 1981: 67–8, 96; Pohl 1997: 90–1). Later in the sixth century, or early in the seventh, statuettes of a Byzantine ruler were being turned out from a terracotta mould now in a museum in Samarkand; the mould had been copied from a figurine which may have been sent as an imperial gift to a West Turkish leader. The Byzantine ruler wears a high diadem with pendilia hanging almost to the shoulder and has the imperial sash (*loros*) draped over one shoulder, while his left hand holds a cross-topped orb (Haussig 1979: 190–1 and fig. 3).

In the later sixth century the Byzantine emperor could still plausibly lay claim to be a ‘world-class’ ruler, in terms of territorial power and material resources, and the triumphalism of imperial propaganda gain some confirmation from events, not least the wide-ranging religious missions which Justinian sponsored (Engelhardt 1974: 80–90, 100–3, 178–86; Ivanov 2008: 307–12). But there can be little doubt that Justinian was consciously ‘punching above his weight’ or that there is a direct connection between his frequent resort to diplomacy and the greater elaboration of court ceremonial which characterised his regime. When Justinian revived triumphs and other ceremonies in celebration of victory, he was signalling real feats of arms in Italy and North Africa. But he was also conjuring up for himself and his successors an aura of God-given order, exemplified by his court. This served to dignify the constant rounds of negotiation, compromise and accommodation with Lombard, Gepid and other barbarian potentates which, he well foresaw, were becoming unavoidable (Obolensky 1994b: 24–7; Chrysos 1985: 43–5; Pohl 1997: 82–95, 101–3, 131–3). In the palace and the city, at least, the emperor could show mastery of his environment down to the finest detail and demonstrate the uniqueness of his access to God (Cameron 1979b: 17–18; Olster 1996: 98–101). His court vouchsafed to those fortunate enough to attend a glimpse of the way things ought to be. The ceremonies became, literally, affirmations of faith. The celebration of the liturgy and the acclamations, solemn entrances and processions were variants of the same basic theme of supplication of superhuman power. If Corippus in the 560s was still declaiming in fairly general terms that God was the ‘strength and glory of our empire’ (Corippus 1976: 71, 109), the devotion of emperor and people soon afterwards began to focus on more specific pledges of divine aid in the form of relics, most notably, in the early seventh century, the Robe and Girdle of the Mother of God which protected the city of Constantinople from barbarian assaults (Cameron 1978: 95–105; Cameron 1979a: 44–8). The burgeoning cults of relics and icons and the elaboration of a liturgical court culture in the ‘navel of the world’ – as a seventh-century work called Constantinople (Olster 1996: 101) – were variant responses to the new sense of insecurity which beset Constantinopolitans and provincials alike.

The court of the emperor was already being projected as a version of heaven by the later sixth century and from around that time we first find archangels being depicted in imperial garb, notably in the church of San Apollinare in Classe, near Ravenna (Deichmann 1976, II.2: 245–6, 262–4; Deichmann 1958, III: figs. 370, 402–3). But it was in the Middle Byzantine era that notions of the intermingling between the emperor’s court and God’s gained richest visual expression. For example an ivory depicts Leo VI and the archangel Gabriel, each holding an orb and wearing the imperial sash, against a background clearly evocative of Haghia Sophia in Constantinople; the Mother of God is also depicted there, adding a jewel to Leo’s crown (see fig. 2.2, this volume; Corrigan 1978: figs. 1 and 2 on 408, 410–13; Maguire

1997: 249–50). The plainest assertion of the utility of ceremonial to the imperial regime comes from this time, when external pressures on Byzantium were starting to ease but the prevailing *mentalité* was still that of a beleaguered citadel. Writing in the mid-tenth century, Constantine VII Porphyrogenitus maintains that ceremonial, when well-staged, makes imperial authority appear more elegant and ‘better-ordered’: ‘on account of this it is wonderful both to the nations [i.e. foreigners] and to our own people’ (DC, preface, I, 4). Thus, he seems to imply, the image of order and orchestrated deference before the emperor could help to bring about the reality desired and he himself believes that this is all in accordance with God’s will. The cycle of ceremonies is interwoven with liturgical offices and amounts to an incessant act of collective intercession before Him. The majority of the happenings prescribed in Constantine’s *Book of Ceremonies* take place in or around the palace complex – a regular cycle of liturgies, numerous processions and feasts; and celebrations, as appropriate, of births, weddings and victories (See now Morris 2003; Ödekan 2013). A copy of Constantine’s treatise is to be placed in the heart of the palace to serve as a ‘clear and freshly polished mirror’ of what is proper for the emperor and ‘the senatorial order’ (DC, preface, I, 4–5; Cameron 1987: 122–3, 130–1). But there were occasions when an emperor might need to forsake the palace, and Constantine’s treatise on imperial campaigning offers a snapshot of what was deemed essential for the keeping up of appearances outside the palace. The stocking up with coins and valuables to be distributed as gifts is of prime concern and Constantine specifies the types of silken garments and other precious cloths to be brought along: the highest quality silks were ‘for distinguished refugees and for sending to distinguished and powerful foreigners’; somewhat inferior garments were destined for senior commanders but these were still embroidered with ‘eagles and imperial symbols’, whereas those of lower quality still were not (Constantine VII 1990: 110–11). As in the time of Justin II, the emperor needed to show himself to be the ‘spring that enriches all’, and, while foreign notables received the best silks, they could also, through sporting ‘imperial silks’, be regarded as acknowledging a relationship of dependency *vis-à-vis* the emperor: many of the vestments corresponded with the costume of a particular category of imperial title-holder.

If Michael Psellus could write in the mid-eleventh century of ‘these two things sustaining the hegemony of the Romans, I mean, titles and money’ (Michael Psellus 1926, I: 132), it was the ceremonial life of the court which breathed life into the titles and gave extra worth to the stipends accompanying them. Ultimately, nothing could substitute for the gold largesse dispensed by the emperor but he could trade on the ambition of many, whether living beneath or beyond his dominion, to receive it and to flaunt their associations with him by means of their silks and other accoutrements. If well-to-do, they could represent this in pictorial form, as Maximian had done in sixth-century Ravenna and as local notables seem to have done in Cappadocia in the 960s, when they commissioned a church wall-painting of Nicephorus II Phocas and the other members of his family then holding top offices. They may also have wanted to thank the Phocas for some gift or privilege (Thierry 1985: 478, 481–2; Oikonomides 1996: 23–6). Likewise grateful monks of the monastery of Nea Moni on Chios commemorated the gifts received from Constantine IX Monomachus with mosaics of biblical scenes closely connected with the liturgy of the court (Mouriki 1985; Maguire 1992: 209–13 and figs. 8–12). At a lowlier yet more exotic level,

well-to-do Khazars together with Turks from the Ferghana valley in Central Asia were sufficiently eager to join the imperial bodyguard to make down-payments so as to buy themselves a place. Their numbers by the end of the ninth century were such that Leo VI thought it worthwhile to specify the amount of these payments and of the honorarium which these guardsmen should receive (*DC*, II.49, 50, I: 693, 697–8). The borderline between the Byzantine emperor's 'real' and 'pretended' authority was as indistinct as that between his notional dominions and the regions where he exercised direct rule, implanting garrisons and levying taxes. There was no knowing the range of his potential contacts and the presence at court of the Ferghana guardsmen, of Pechenegs and other nomads from the western Eurasian steppes and, from the tenth century, of Scandinavians, served to corroborate threats such as those hurled at Liudprand of Cremona and his lord, Otto of Saxony, in 968: 'With money, which gives us power, we shall stir up all the nations against him and shatter him, like a potter's vessel' (Liudpr., *Leg.* 53; cf. Jeremiah 19.11).

Ritual, yet far from meaningless, participation in a kind of 'Commonwealth' was not peculiar to the celebrants of medieval Byzantium. There functioned on nineteenth-century Bali what has been described as a 'theatre state' where the members of local elites converged on a central point to participate in rituals revolving round the figure of the king, who acted on behalf of the supreme god, Shiva (Geertz 1980: 106). The rituals involved processions and acts of worship, consecration and feasting, staged in and around the palace complex. The latter has been described as a 'stretch of sanctified space', while the court as a whole made up 'the exemplary centre' (Geertz 1980: 109). The message of the rituals was essentially static, that the existing hierarchy was god-willed and an individual should accept his inherited place in it (Geertz 1980: 120). Yet while the pageantry and junketings served ostensibly to glorify the ruler and worship the gods, they were in fact the arena for intensive rivalries and fluctuating alliances among the lesser lords. Successful jockeying for position in a ceremony could raise one's standing significantly. The king presided over these goings-on and although the need to appear above the fray constrained his ability to intervene actively in disputes, standing at the apex of the collective acts of devotion and celebration invested him with power of a sort. The Great Imperturbable was custodian of a generally sought-after order, which all were committed to jointly celebrating and upholding (Geertz 1980: 130–1). Bali's 'theatre state' offers some analogies with the ideal order which the Byzantine court encapsulated and proclaimed. Constantine VII expressly states that the rhythm of the ceremonial should 'reproduce the harmony and movement of the Universe which the Creator brings' (*DC*, preface, I: 5). The yearning to participate in the ceremonies apparently ran through various sectors of Byzantine society and one of the aims of the treatises on ceremonial was to forestall unseemly disputes over precedence (Oikonomides 1972: 82–3, 128–9, 232–5; *DC*, preface, I: 4; McCormick 1985: 5; Kazhdan and McCormick 1997: 196–7). This dynamic of tension finely contained would have been familiar to the denizens of the Balinese *negara*. And its basic principles were not entirely alien to the more pretentious elites of the early medieval West.

This is not to deny that the values and customs of the essentially warrior elites of the West differed substantively from Byzantium's, or that they usually found ritual expression in forms distinct from those of the *basileus'* palace. For example, feasting was normally the occasion for celebrating fellowship and camaraderie rather than



Figure 2.2 The Virgin adds a pearl of wisdom to Leo VI's crown. Ivory (Constantinople) 886–912 (reverse). Inscription in Greek paraphrasing Ps. 44. 5: 'Strive, prosper and reign, Lord Leo.' Staatliche Museen zu Berlin – Preußischer Kulturbesitz Museum für Spätantike und Byzantinische Kunst.

exalting the lord or ruler as sublimely apart (Leyser 1994b: 201–4; Nelson 1996: 123). One of the ways in which Charlemagne consorted with his 'nobles and friends' and others was by swimming with them, sometimes hundreds at a time, a pastime offering little scope for sumptuous vestments (Einhard, *Life of Charlemagne*, 22). Einhard emphasises that for most of the time Charlemagne's clothing 'differed hardly at all from that of the common people', and that he 'loathed foreign garments, no matter how beautiful they might be' (*Life of Charlemagne*, 23). This may well be a dig at the bejewelled apparel of Byzantine rulers and their courtiers. Liudprand likewise praises the well-shorn Western ruler who wears 'a garment quite different from a woman's dress' and a 'hat' in contrast to the effeminate tunics with long sleeves reaching down to the ankles and 'bonnets' of Byzantine emperors and their envoys (Liudpr., *Leg.* 37, 40). Even the Frankish prescriptions for palace life and conduct whose aspirations come closest to those of the Byzantine court presuppose a rather

differently structured society. Dhuoda hoped that her son would be a ‘useful servitor’ ‘with companions in arms in the royal and imperial court or elsewhere’ (Dhuoda 1998: 104–5; Nelson 1992: 41, 49). Later in the ninth century Hincmar of Rheims’ *Government of the Palace* paid much attention to assemblies and the consultation of ‘magnates’ and counsellors as well as to kin-groups and regional diversity (Hincmar 1980: 66–7, 82–97; Nelson 1992: 45–8). Such concerns would have seemed demeaning or superfluous to the *basileus*: they smacked of collectivism and recognised too overtly the disparate nature of the communities which made up a realm.

Nevertheless there are underlying analogies between Eastern and Western establishments which go beyond the level of the banal. The *basileus* and Frankish and Saxon potentates were alike aspiring to forms of hegemony over extensive regions where the means of directly imposing their will were slight. They needed perforce to implicate within their regimes men of note, standing or substance from the periphery, and the court offered an obvious meeting-point. Such was the case whether its prevailing ethos was autocratic or collaborative. And for this purpose ritual as a means of creating a sense of unique occasion was often of the essence (Leyser 1982, 1994; Reuter 1993; Koutrakou 1994; Nelson 1994, 1996; *pace* the many caveats of Buc 2001). It was precisely *because* their respective versions of hegemony were ill-defined and inclined to be brittle that relations between Eastern and Western emperors could take a sudden turn towards mutual denunciation: they were all living in glass houses. The recriminations which a few jibes at their respective pretensions could unleash are exemplified by the celebrated exchange between Basil I and Emperor Louis II (*MGH, Epp.* VII: 386–94; Wickham 1998: 253–4). What is less well appreciated, because seldom fully articulated, is a sense of affinity between the courts of East and West, overriding their indubitable rivalries. Yet that it existed and was not merely a matter of rhetorical topoi is overwhelmingly likely. Eastern emperors such as Michael II and Theophilus presupposed sympathetic interest in their quelling of internal disorder and victories over the Muslims on the part of Western rulers, and in 841–2 Theophilus was proposing to marry his daughter to the then youthful Louis II (Shepard 1995: 45–7; Shepard 1998: 170; Wickham 1998: 246, 250–2).

The closeness with which Western potentates followed goings-on in the Great Palace occasionally emerges from non-narrative sources. For example, in November 813 Pope Leo III wrote to Charlemagne, relaying a tale he had heard from one of ‘some Greek men’ newly arrived from the east (*MGH, Epp.* V: 99). Reportedly, the wife of a former emperor and her lover had seized power in the palace, but the reigning emperor, Leo V, had managed to slip back into Constantinople, challenge the usurper to single combat in the Hippodrome and put him to death, together with his scheming paramour. Pope Leo added that some divergent details had been furnished by another informant (*MGH, Epp.* V: 99–100; Sansterre 1996: 373–8; Wickham 1998: 245–6). He refrained from choosing between the two versions, forwarding them on the assumption that, as Chris Wickham put it, ‘the Frankish ruler wanted to know it all’ (1998: 246). The tale relayed by Pope Leo is notable both for the almost wholly fictitious nature of its contents and for its assumption of the reader’s acquaintance with the inauguration ritual and landmarks of the Eastern capital (*MGH, Epp.* V: 99–100). Charlemagne’s curiosity will have been the keener for the fact that his imperial title had gained Byzantine recognition just a year earlier, when Eastern envoys acclaimed him ‘in their own manner, that is in the Greek tongue,

calling him emperor and *basileus* (*Annales Regni Francorum* 1895: 136). But a more abiding interest is suggested by his possession of a square table on which was depicted 'the city of Constantinople' (Einhard, *Life of Charlemagne*, 33). The only other earthly city engraved on the silver tables listed in his will was Rome.

Charlemagne's interest in the Eastern seat of empire did not begin with his assumption of 'the name of emperor', nor was it unique. It is worth glancing at three instances when he and later rulers explicitly referred to the Eastern court and capital in mounting showpieces of their own authority. Firstly, it is now clear that the fortified 'city of Charles' which Charlemagne had built on newly conquered Saxon land in 776–7 is identifiable as Paderborn (Hauck 1986: 516–18, 528). The complex, comprising a royal hall juxtaposed to a 'great church' (*ecclesia magna*) of the Saviour, seems to have been an evocation of Hagia Sophia's proximity to the palace of the *basileus*, while the naming of the town after Charlemagne recalled the naming of Constantinople after the archetypal converter of peoples, Constantine the Great (Hauck 1986: fig. 1a on 514, 515, 531–2 and n. 86; cf. Collins 1998: 50, 140; Hartmann 2010: 100). What Constantine had achieved in the East, Charlemagne would match through imposing Christianity on the Saxons *en masse*, and building the palace complex at Paderborn made his aspirations manifest.²

The second episode occurred in 876, when Charles the Bald appeared before an assembly of bishops and other notables, 'clad in the Greek fashion' in a *dalmatica* 'reaching to the ankles' and a 'girdle hanging down to his feet' (*Annales de Saint-Bertin* 1964: 205; *Annales Fuldenses* 1960: 100–1). His assumption of Byzantine or Byzantinising garb was partly directed at a number of recalcitrant churchmen attending the assembly; but it fits in with other gestures at Ponthion serving to display his right to lordship over many peoples, not least the baptism of a group of Northmen and the acclamations of the pregnant empress by 'everyone . . . , each standing in position according to his rank' (*Annales de Saint-Bertin* 1964: 205, 206; Nelson 1991: 191, n. 6, 195, n. 21; Nelson 1992: 243–4). Above all, Charles was trying to bolster his legitimacy as emperor in the face of hostility from Louis the German, whose son, Carloman, he had just deflected from the imperial crown. Expressing East Frankish resentment, the *Annals of Fulda* draw a direct connection between Charles' donning of 'new and unusual garb' and his pretensions to be called 'emperor and Augustus of all the kings on this side of the sea'. He reportedly boasted that 'he would assemble so great a host from different places that the horses would drink the Rhine dry' (*Annales Fuldenses* 1960: 100–1). In such a situation the ensemble of ceremonies was designed to 'speak' to persons from as many regions as possible.

Our final instance is provided by Otto III's deportment south of the Alps. Combining anxiety for personal salvation with advanced education and a certain ruthlessness, this short-lived emperor has attracted much speculation as to his aims (Leyser 1973: 117–19; Sansterre 1989; Görich 1993: 187–209, 261–74; Althoff 2003: 1–28, 81–9, 100–6, 118–26, 132–45). What is beyond doubt is Otto's belief in a God-given right to hegemony over numerous peoples and a high-minded sense of his duties. His court was the means of encapsulating that belief and projecting it outwards to distant subjects. He could thereby concretise his 'renewal' of 'the Roman empire'. It was, significantly, a feature of Otto's court that a Saxon chronicler picked out in order to illustrate his claim that Otto had tried to revive 'the ancient customs of the Romans': Otto sometimes sat alone at a separate table, elevated above

his fellow diners (Thietmar 1935: 185).³ To dine apart or with a few guests at a separate raised table was also the *basileus*' practice at certain banquets and this was most probably the model of Otto's dining ritual (Oikonomides 1972: 28 and n. 34, 164, n. 136, 274 and n. 34; Leyser 1994a: 164; Leyser 1994b: 202 and n. 79). Presumably he himself took it to originate from ancient Rome. The Byzantine court thus served as a kind of template of impeccably imperial ways which Otto sought to adopt for his own purposes. Gerbert's claims that 'Ours, ours is the Roman empire' and that 'you [Otto] surpass the Greeks in *imperium* and reign over the Romans by hereditary right' (Havet 1889: 237) echoed Otto's own aspirations. Otto's choice of the Palatine Hill as abode for his court for quite lengthy spells from 998 until his death is particularly suggestive: this had been the site of the Caesars' palaces from the reign of Augustus onwards (Brühl 1954: 17–18, 26–30). But only the Eastern emperor had maintained a court continuously since Antiquity, and only he could offer Otto a working model of imperial 'Roman' customs. It is no accident that those few protocols incorporated in the twelfth-century *Treatise on the Emperor's Court Ceremonies* which seem to date from Otto's time relate to the ceremonial bestowal of titles, including that of *patricius*, a procedure practised at the contemporary Byzantine court (Schramm 1969, III: 352–3; DC, I.48, I: 244–55; Bloch 1984: 87–9; Ladner 1988: 26–7). Faced with a medley of elites in Venice, Rome and other parts of Italy and in need of their cooperation, Otto tried to draw them into his charmed circle, simultaneously showing off his God-given right freely to choose his agents and installing northerners in Italian offices and the papal Curia.

All three of the above-mentioned initiatives were ephemeral, and one should note that they were taken either in Italy or soon after their authors' visiting the peninsula. But it is worth noting what these three rulers had in common: each had recently tried to extend or markedly to enhance his dominion and each faced likely rebellion. The court on the Bosphorus had the merit of being at once extraneous (and thus not specific to any particular grouping among the ruler's subjects) and yet of some repute, in that its origins were supposed to lie in the imperial Roman past: Liudprand of Cremona supposed – mistakenly – that the institution of the 'purple-born' (*porphyrogeniti*) went back to the days of Constantine the Great (Liudpr., *Ant.* I.6–7; III.31). And as Otto III, for one, was well aware, the *basileus*' own hegemony rested heavily on the more or less voluntary cooperation of elites living in the empire's peripheral regions and beyond – in effect, on consensus. In that sense his court offered an 'exemplary centre' to virtually any potentate aspiring to preside over a Christian order and the effects of its magnetic field were probably wider-ranging and more manifold than the few recorded cases of overt imitation might suggest. These cases make up the colourful extremes of a broad spectrum of responses which ranged from regarding the 'Greeks' as a foil against which to define one's own distinctive garb and customs to the selective adaptation of particular symbols or ceremonies and a sense, albeit incompletely expressed, of shared values and aspirations.

To make these assertions is to assume a rather high degree of awareness of the Eastern court on the part of Western elites. Such an assumption might seem questionable in view of the hazards and expense of travel. However, one form of journey was probably commoner than has generally been supposed: embassies (Barnwell 1997: 134–9). To societies where the personal qualities of a leader counted for much and where individual sworn agreements underpinned order, formal exchanges of

gifts and greetings between potentates aspiring to legitimacy were no less important. It was therefore probably a frequent practice to renew treaties and other agreements upon the death of one of the main parties to them (Barnwell 1997: 137; Chrysos 1992: 32). This alone would have generated a fair number of embassies. Moreover, the reception and sending of embassies was practised with particular vigour by the Eastern emperors, who showed a consistent penchant for initiating exchanges and visits to their capital (Chrysos 1992: 31–3; Shepard 1992: 51–3). The formal receptions of foreign ‘friends’ to the sound of organs were happenings at which the *basileus* outdazzled and outplayed virtually any other potentate’s efforts and sometimes envoys were received serially, one by one (*DC* II:15, I: 569; Maliaras 1991: 142–56, 188). Visiting envoys were encouraged to attend other ceremonies, too: Liudprand was urged to watch the Easter dispensing of pay and in effect became a participant there himself, receiving gold from the emperor (Liudpr., *Leg.* 9; McCormick 1985: 9). Thus the workings of imperial diplomacy served to draw representatives of foreign potentates to the exemplary centre on the Bosphorus and this did something to maintain awareness of it in their home courts.

It was, however, the embassies sent by the *basileus* to the courts of others which had most impact. If it was mainly the hand-picked associates of a foreign potentate who beheld the emperor in full glory, the latter’s envoys could reach a wider audience. Imperial embassies varied greatly in size and composition according to circumstances, and messengers were probably sufficient for minor exchanges concerning mundane matters such as the return of runaway slaves (*Povest’ Vremennykh Let* 1996: 19; Lounghis 1980: 299–302, 371–3). But even they may sometimes have seized the chance for showing off the wealth and power of their master and a grander class of embassy was certainly sent to Muslim overlords such as the ‘Abbāsid caliphs and the rulers of Egypt (Soucek 1997; Grabar 1997: 117–21; Shepard 2000: 387–9). It is most probable that similar embassies headed westwards. Liudprand of Cremona denounced not merely the Byzantine envoys’ ‘brooches, long flowing hair and tunics reaching down to their ankles’, but also the fact that they wore them all the time, ‘when they ride or walk or sit at table with us’; further, and most disgraceful ‘to all of our men’, the Byzantine envoys alone were allowed to kiss Otto I and his son with covered heads (*Leg.* 37). Liudprand’s complaint that Byzantine envoys in the West were allowed ‘to keep to their own ways’ whereas he, at Constantinople, was expected to conform highlights a key feature of Byzantine grand embassies: they were in effect miniature versions of the court on location (p. 17, this volume), the head or heads of the embassy being invested with a certain imperial dignity. The ‘sacred’ letters which they brought were objects of value and striking appearance in themselves (Dölger 1976: 14–17), and they were probably read out and bestowed in a variant of the rites of delivery and reception of letters current within the empire (Mullett 1992: 204–6, 216; Soucek 1997: 408–9; Leyser 1994b: 213 and n. 129). The grand embassies were equipped with some of the court’s most characteristic furnishings, silks and other precious fabrics, gold and silver vessels and other valuable containers (Grabar 1997: 118–20; Soucek 1997: 405–10); a wide range of artefacts was carried for possible presentation even by essentially functional missions (*DC* II:44, I: 661–2). Not merely did they publicise the skills of the emperor’s craftsmen: they also mirrored the diversity of *objets d’art* on display at court, offering observers a glimpse

of what might be in store for them there. The hierarchical significance of the vestments was probably expounded in words akin to the ones addressed to Liudprand: ‘those who are unique in the grace of their virtue should also be unique in the beauty of their clothing’ (Liudpr, *Leg.* 54). The heads of grand embassies, themselves holding at least the title of *patricius*, were leading quite sizable companies,



Figure 2.3 Otto III (983–1002) with clerical and secular attendants. Source: From the tenth-century Gospel Book of Otto III. Bildarchiv Preussischer Kulturbesitz.

perhaps fifty or more persons strong (McCormick 1994: 26–7 and 44, n. 46), and presumably stationing themselves according to rank at receptions. Such companies could be conceived of as performing a chant so attractive that Charlemagne had part of it translated into Latin (Notker the Stammerer, *Deeds of Emperor Charlemagne*, II.7; McCormick 1995: 374–5).

Through the medium of embassies the Eastern court cast a more pervasive penumbra than its proceedings at Constantinople alone might suggest. The very infrequency of the really grand embassies probably heightened their impact, in that the rarity of the luxuries brought in their train heightened their desirability. The visible hierarchy of clothing was more or less self-explanatory, and at least some members of grand embassies were well-qualified to expound the symbolic significance of ‘their own ways’ and of the gifts they brought. The best-known intellectuals to be recorded as on embassies are those sent to the *basileus*’ rival in Baghdad, for example, John the Grammarian, Photius and Leo Choerosphactes (Magdalino 1998: 195–205). But it has been pointed out that some, at least, of the churchmen sent to Frankish courts in the ninth century were capable exponents of theology (McCormick 1994: 30). Communications which intellectuals on missions to more or less neophyte or pagan rulers reportedly delivered are imbued with imperial ideology (Zástěrová 1983: 690–701; Simeonova 1998: 124–52; Dagron 2003: 48–9), and Photius’ precepts on the duties and conduct of a Christian ruler in his letter to Khan Boris of Bulgaria have aptly been termed ‘a vision of the court of God’ (Mayr-Harting 1994: 24). There is no reason to suppose that ambassadors were any less forthcoming in expatiating upon their empire or Christian rulership in general during their sometimes protracted stays at Western courts.

Thus ‘text’, in written form or enunciated,⁴ may often have been available to supplement the ‘image’ of felicitous hierarchy which Byzantine grand embassies presented. They could, while travelling, impress the majesty and wealth of the *basileus* upon ‘barbarian’ notables who lacked the means or inclination to pay a visit to Byzantium and who might have only loose ties with their local potentate. These were offered a fresh yardstick against which to appraise and perhaps belittle that potentate. Thus the grander sort of embassy presented a challenge, as well as an opportunity (and even an education) to the rulers whom it was formally visiting. Indirectly it could subvert, as well as offering rulers the chance to borrow such features of the court as appeared to cater for structural problems occurring within their own regimes.

One recurring dilemma of rulership in the early medieval West was how to provide for the succession to full authority of one’s son or other chosen heir. It was in this sphere that a ruler might well feel dissatisfied with his own family’s customs, nobles’ predilections or churchmen’s rites, particularly if he was an *arriviste* or had laid claim to markedly heightened status. Such a problem was faced by the Ostrogoth king Theoderic, who in any case lacked a son (Heather 1995: 165–71). Charlemagne adapted certain salient features of Byzantine ceremonial when he saw to the crowning of Louis the Pious as his co-emperor before an assembly of the empire’s magnates in 813 (Wendling 1985: 220–3, 228–9; Classen 1985: 100–1). The Eastern court was of interest in relation to matters of succession for another newcomer to the imperial title by dint of military *virtus*, Otto of Saxony. We have already noted the interest which Liudprand showed in the Byzantine notion of the ‘purple-born’

(p. 22, this volume), and a generation later Gerbert of Aurillac and Archbishop Egbert of Trier assumed one another's familiarity with the Byzantine practice of co-emperorship (Gerbert 1993, I: 52–3; Ohnsorge 1958: 271–2). It was partly because of such familiarity among the members of Western elites that Otto I determined to secure a purple-born princess for his son and heir, Otto II, in the later 960s. This is the characteristic of the sought-after bride which Liudprand underscores in his account of his embassy of 968 (*Leg.* 15–16). Besides desiring general prestige from a marriage bond with the Eastern *Augustus*, Liudprand and his master may tacitly have shared the Byzantine sense that conceptions and births vouchsafed to those reigning within the palace were a mark of divine favour: the offspring represented God's blessing and held out the prospect of further favours to come (Treitinger 1938: 109–10; Dagron 1994: 109 and n. 22, 130–2, 140–2). This quality, denoting special fitness to reign, attached to the purple-born for the rest of their lives, investing them with a form of sacrality. It was most probably the same attribute which appealed to another *arriviste* intent on enhancing the status of his son and thereby ensuring his succession. In 988 Hugh Capet caused Gerbert to write to the Eastern emperor requesting 'a daughter of the holy empire' – presumably a *porphyrogenita* – as bride for his son, Robert (Gerbert 1993, I: 268–71; Leyser 1982b: 115–16). For *nouveaux* regimes a bond with a princess supposed to be the outcome of a kind of divine visitation brought unique validation: embodying, as she did, elements of ritual and God-willed rulership in her very person, she could literally transfuse legitimate ascendancy into the veins of the next generation. Such qualities were not lost on another ambitious potentate still in need of legitimation in the late 980s, Vladimir Sviatoslavich, prince of the Rus. At that time he made himself sufficiently useful or menacing to the empire to gain the hand of a *porphyrogenita*, Anna (Franklin and Shepard 1996: 162–4).

The ascendancy of Otto I, as of Hugh Capet and Vladimir, was due above all to the successful exercise of military *virtus*, dispensation of benefits and winning of widespread confidence (Leyser 1994a: 148–9, 164). To dynasts eager to mark out their regime as God-willed and secure for their heirs, a marriage-tie with the celebrated exemplary centre held out the prospect of, as it were, instant legitimacy, in a form at once alien yet reputable. It is a mark of their need of such a talisman that Otto and, most probably, Vladimir were ready to use force – by launching assaults on, respectively, the Byzantine cities of Bari and Cherson. Otto had, in the end, to settle for less than a *porphyrogenita* as bride for his son, and reportedly his acceptance of Theophano, 'not the desired virgin', evoked ridicule from the Italians and anger among the Germans (Thietmar 1935: 57; Wolf 1991: 385–6; Leyser 1994a: 156–7). An almost contemporary source sympathetic to the regime refers to Theophano as a 'distinguished royal bride' 'from the palace of the Augustus' (*Vita Mathildis reginae antiquior* 1994: 141). This was an attempt to put a brave face on things, special pleading in an awkward situation through emphasis on Theophano's associations with the palace. But it also testifies to the aura of antique and rightful dominion which the rhythms of the *basileus'* court still generated at the end of the tenth century, in a fashion reminiscent of the Balinese *negara*'s. So long as sacral kingship with its attendant ritual was integral to the regimes of aspiring overlords in the West, the Eastern court was not merely a useful source of gifts and greetings. It offered them and their notables a graphic model of how to go through the motions of deference: as in the entrances and processions prescribed in the *Book of*

Ceremonies, everyone might be induced to act in unison, ‘each standing in position according to his rank’ (*Annales de Saint-Bertin* 1964: 205; p. 21, this volume). The image was no less haunting for being almost unattainable.

NOTES

- 1 The drastic, often unforeseeable, fluctuations in the strategic and financial position of the empire under Justinian were particularly well brought out by Teall 1965: 303–4, 314–15, 319–21. See now Meier 2004.
- 2 Charlemagne’s choice of name may well have been swayed by his awareness of Orosius’ account of the refounding of the ancient Byzantium as ‘the city of Constantine’ (Hauck 1986: 518, 529–31). But the naming of the new base and its layout probably had broader connotations that were not the product of a written text alone. It is noteworthy that the church at Aachen dedicated to Mary in which Charlemagne was acclaimed emperor in 812 was, with its central plan forming an octagon, clearly designed to evoke Eastern imperial architecture, as exemplified by San Vitale in Ravenna (Falkenstein 1991: 282–8).
- 3 A comparable attitude was struck by the expansionist King Leovigild of Spain (568–86): his hegemonial pretensions were expressed by such reportedly unprecedented gestures as seating himself ‘among his own (*inter suos*) upon a throne, clad in a royal vestment’ (Isidore of Seville 1894: 288; Linehan 1993: 22 and n.2).
- 4 The larger embassies may well have contained interpreters of written and spoken Greek. There is anyway evidence of the presence at Carolingian courts and ecclesiastical centres of individual Greeks (Berschin 1988: 117–18, 132–3; McCormick 1994: 18–20, 29). They could have acted as interpreters and also translators.

ABBREVIATIONS

DC	Constantine VII, <i>De cerimoniis aulae byzantinae</i> , ed. J. J. Reiske, vols 1–2 (Corpus Scriptorum Historiae Byzantinae) (Bonn: Weber, 1829–30); tr. A. Moffatt and M. Tall, <i>Constantine Porphyrogenetos. The Book of Ceremonies</i> , vols 1–2 (Byzantine Australasia 18) (Canberra: Australian Association for Byzantine Studies, 2012) (with reprint of, and identical pagination to, the Bonn edition)
Liudpr., <i>Ant.</i>	Liudprand, <i>Antapodosis</i> , in <i>Liudprandi Cremonensis opera omnia</i> , ed. P. Chiesa, (Corpus Christianorum continuatio mediaevalis 156) (Turnhout, 1998), 1–150
Liudpr., <i>Leg.</i>	Liudprand, <i>Relatio de legatione Constantinopolitana</i> , in <i>Liudprandi Cremonensis opera omnia</i> , ed. P. Chiesa, (Corpus Christianorum continuatio mediaevalis 156) (Turnhout, 1998), 185–218
MGH, Epp.	Monumenta Germaniae Historica, Epistulae
MGH, SS	Monumenta Germaniae Historica, Scriptores

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CHAPTER THREE

AT THE SPANISH FRONTIER¹



Peter Linehan

What with priests and mullahs on either side of it and men and even women crossing and recrossing more or less unhindered, it always was its own sort of frontier. It had been so almost since whenever it was within a few years of the 'Arab' (actually mostly Berber) invasion of 711 that the myth of the origins of the Spanish Reconquest had begun to take shape, with at its core the symbolic breaching by don Oppas of both the physical and the confessional lines which separated the peninsula's new alien masters from the Christian remnants of the old order holed up in their cave at Covadonga. Oppas, the collaborationist bishop whose failed attempt to persuade don Pelayo and his band to surrender on terms to the invaders, as he himself and so many of the Visigothic old guard had done already, set the scene for the annihilation of 180,000 or so 'Arabs', was medieval Spain's very first, and also perhaps its only wholly uncomplicated frontiersman (Gil Fernández *et al.* 1985: 126).

Don Pelayo, that Asturian hybrid of Moses and Asterix, and don Oppas, the hero and villain respectively of the dramatic encounter which stands at the beginning of the story of the history of medieval Spain, are inseparable from the scene of that encounter. For Spanish nationalists Covadonga is the cradle of the national epic. From here, high up in the mountains of the north, for them there began that fight-back which would end in 1492 with the reconquest of Granada – or what nationalists of another allegiance prefer to call its conquest, or incorporation. Now provided with cafés, car parks, votive candles, just about adequate lavatories and all the other paraphernalia appropriate to such shrines, Covadonga is also the original location of a frontier, a frontier which, according to that same view of the Spanish Middle Ages, is as precisely definable as the process of reconquest itself, a frontier only a few feet wide in the mid-710s (if history is to be believed as well as the historians), but a frontier which for those for whom history is a black-and-white affair marked for almost eight hundred years a dividing line between Christian and Muslim Spain, and so between Christendom itself and Islam in the West.

Others, scholars in the United States in the main, have thought it helpful to subject the medieval Spanish peninsula to the analysis advanced by F. J. Turner in his celebrated paper on the role of the frontier in American society ('doubtless the most influential paper ever presented before a congress of historians'), according to which

what had determined the course of the history of the United States until Turner set pen to paper was, first, the ‘safety valve’ provided by the availability of free land on the Western frontier, and then, when that supply was exhausted, the consequences for the hinterland of the removal of that mechanism (Turner 1921: 1–38; Lewis 1958: 475; Bishko 1963: 47–9). In fact, although for adventurers from northern Europe, for whom all the inhabitants they encountered (Christians, Jews and Muslims alike) were equally foreign, the Spanish frontier may indeed have borne some resemblance to Turner’s Wild West (Defourneaux 1949: 125–230; David 1936), for the inhabitants of its hinterland the unrelenting tale of those almost eight sometimes hard-fought centuries was one of varying shades of grey. Where it bordered on Africa, Europe’s frontier was significantly different from its eastern counterpart.² Here the ‘other’ was unnervingly close. Indeed, here the ‘other’ was both behind you and all around. There were D. Oppas look-alikes to be encountered (or suspected) at every village oven. There may even have been Moorish sympathisers in the recesses of the cave at Covadonga.

Unrecognisable as the precursor of Webb’s ‘sharp edge of sovereignty’ (Webb 1953: 2; cf. Truyló y Serra 1957; Bazzana 1997), therefore, medieval Spain’s frontier was probably permeable from the outset. It was certainly accustomed to two-way traffic forever after. In the 850s Alvarus, a Christian monk of Córdoba – a city which by then had been under Islamic domination for almost a century and a half – travelled north to Pamplona and in a library in the foothills of the Pyrenees ‘suddenly’ chanced on a highly tendentious potted history of the life of the Prophet. It was almost as if this was the first that he had ever heard of him (Gil 1973: ii.483). Then, in the 950s, the Christian king of León journeyed in the other direction. This was Sancho the Fat. So fat was he, this warrior king, that he could hardly walk, let alone ride. So, he sent to Córdoba for a cure and, having been rendered a mere shadow of his former self, surrendered various frontier fortresses as the price of his therapy.

Or such was the story related in the Leonese chronicle of Sampiro in the eleventh century and canonised in Spain’s first national history, Alfonso X’s *Estoria de España*, in the thirteenth (Pérez de Urbel 1952: 336; Menéndez Pidal 1977: 408). And it is all very much in accordance with the recent observation of a student of the period that ‘the Umayyads saw in the Christians on their borders and their struggles with them simply a protracted border problem, without any implicit religious or ideological content or promise for themselves’ (Wasserstein 1985: 22). From Arabic sources, however, we learn that in fact not only had Sancho travelled to Córdoba himself but he had gone there accompanied both by his uncle, the ruler of Navarre García Sánchez, and by his grandmother Queen Toda, and that on their arrival all of them did obeisance to the Caliph ‘Abd al-Raḥmān III, who thereafter dispatched a Jewish physician and diplomat of noted prowess to minister to the corpulent monarch after he had taken refuge across a different frontier, in the Christian kingdom of Pamplona (García de Valdeavellano 1968: ii. 139; Rodríguez Fernández 1987: 31–7). In the guise of medicine man, Abū Yūsuf Ḥasḍai ben Shaprūt represented the third active element within the medieval peninsula. The Jew as enemy of the Catholic cause and the Moors’ fifth-columnist in 711, was a later development. In that guise, the guise in which he was to have to endure a long and sombre future, it is not until the 1230s that we can say that the Jew-as-subversive was securely established (Linehan 1993: 75). But long before the 1230s, on the Spanish sector of the frontier

between Christianity and Islam the Jewish presence further complicated an already complex social situation – just as it does today for analogising prospectors operating in that area of the historical past.

And all the time there were manuscripts moving noiselessly to and fro – manuscripts of music and mathematics whose annotations and ultimate location bear witness to their having made the round trip between Catalonia and al-Andalus for correction and updating in ninth-century Europe's intellectual capital. And then, later on, Europe's most inquisitive scholars located the West's intellectual frontier on the Ebro and the Tagus and made Toledo and other centres so many conduits for the transmission of ancient Greek learning to the medieval West (Díaz y Díaz 1969; d'Alverny 1982).

And five hundred years after Eulogius's journey, the Christian king of Navarre sought safe conducts from the Christian king of Aragón for a number of his subjects undertaking pilgrimage to the Holy Land. But not to Jerusalem. For these pilgrim subjects of Charles II of Navarre, who was a Frenchman, were Muslims bound for *their* Holy Land, for Mecca. 'One cannot but be surprised to find Peter the Ceremonious – one of the victors, after all, of the battle of Río Salado [1340] – granting a passport for the *hajj*', Harvey remarks (Boswell 1977: 292, 446; Harvey 1990: 142). Indeed one cannot, and not least because the practice had been expressly forbidden by canon law since the General Council of Vienne in 1311–12 had directed Christian rulers 'in no way to tolerate' the passage of 'Saracens' to that 'place where there was once buried a certain Saracen whom other Saracens hold to be a saint' (Tanner 1990: 380).

Such casual disregard for the normal indecencies of Holy War certainly came as a surprise to crusaders arriving from parts of Europe where frontiers had something rather more hard and fast about them. The culture shock which Europeans experienced, both on the Spanish frontier and in the Latin kingdom, when they found the local Christians and Moors sipping what appeared to be, and indeed may have been, orange juice together, resounds down the centuries. The Saracens were the descendants of Hagar, Abraham's concubine, Eusebius and Bede had concurred in asserting – though later students of the subject were not so sure. 'Why, for example', Southern inquires on their behalf, 'were these people called Saracens if they were descended not from Sarah but from Hagar?' 'This is the kind of question that scholarly writers liked to investigate' (Southern 1962: 17). But it was not one that preoccupied Pope Clement IV, for example, for all that he was scholarly. It was not with etymologies that he was concerned. What Clement IV was concerned with in 1265 was the marked reluctance of Christian kings to eliminate the spawn of that 'menstruating woman' for once and for all; that and reports of the debate which Jaume I of Aragón had recently staged between Christian and Jewish champions at Barcelona (Jordan 1893–1945: no. 15; Chazan 1992: 93): Spain's failure, in short, to have done with the frontier forever.

Yet in 1234, as the Christian Castilians were gathering their forces, with a view indeed to having done with that frontier – and just two years after he had promulgated a code of canon law incorporating decrees designed to reduce the old enemy to submission – Pope Clement's predecessor but three, Gregory IX, had licensed the archbishop of Toledo, no less, to establish commercial relations between his frontier strongholds and the Moors of Granada (Rodríguez Molina 1997: 264). There

had been no interruption of the age-old practice of trading across the line. Indeed there was still altogether too much of it. Pope Gregory had excluded only arms and horses from the terms of his permission to the archbishop. This was slack of him. Eleven years earlier *his* predecessor, Honorius III, had been horrified to learn that among the commodities being traded by the Christian noblemen of Aragón were their Christian noblewomen (Canellas López 1989: no. 918).

Little wonder then that two and three hundred years on, new generations of visitors from beyond the Pyrenees wondered whether there was a frontier there at all. 'By their fruits ye shall know them', the Dutchman Henry Cock observed in 1585 when, while travelling through parts of Aragón supposedly reconquered in the early twelfth century, in the up-country village of Asco he found both pork and wine proscribed (Morel Fatio and Rodríguez Villa 1876: 180). It was the old, old story. A century earlier, during the reign of Enrique IV, the Constable of Castile had been observed at early mass 'all got up as a Moor, and very nice too',³ while at his master's court both French and Bohemian visitors had encountered the Christian monarch guarded by Moorish warriors from Granada (not to mention negroes), clothed and worshipping 'in the heathen manner', and seated on the ground with his queen to receive them (MacKay 1976: 29). In F. J. Turner's terms, this was the equivalent of inhabited wigwams on nineteenth-century Fifth Avenue.

By 1585 almost ninety years had elapsed since the conquest of Granada and the supposed removal of the frontier between Christianity and Islam by which Spain had been polluted (Pope Clement's word) since 711. But never mind the frontier. Was Christianity itself even engaged yet with Auden's 'fragment'

nipped off from hot

Africa, soldered so crudely to inventive Europe?

This was not a frontier between the Cross and the Crescent, it was a public bath. In the togetherness of various municipal bath houses across that sector of the peninsula which was under Christian domination, cleanliness and godliness continued (almost) to co-exist, with sexual segregation rigidly enforced, and Christians, Muslims and Jews bathing on different days, but with all of them sharing the same water. In 1292 (the year after the demise of the Latin kingdom of Jerusalem), Sancho IV of Castile spent his Christmas in a Jewish household in Córdoba. Here at least (in the bathhouse, that is), 'some degree of acculturation clearly took place', it has reasonably been suggested (Powers 1979: 665; Gaibrois de Ballesteros 1922-8: ii. 189).

But not always. According to one account, after the Castilians had lost the critical battle of Sagradas in 1086 King Alfonso VI was assured by his 'wise men' that the reason for this reverse was that his soldiers had been washing too often. 'So the king had the baths of his kingdom destroyed and by various exertions made his soldiers sweat.' Thus the thirteenth-century chronicler Bishop Lucas of Túy writing either at León or in that rainy corner of Galicia where the perennial problem has always been condensation and damp walls rather than sweaty bodies (Schottus 1608: 102; Linehan 2001).

For, then as now, Spain was a land of wildly varying climates. And climate matters. Presumably it mattered to the settlers from northern Europe who came in such considerable numbers before about 1200, when the area to be settled was the area

to the north of somewhere near Madrid, and to those who after about 1200, and especially after 1250, when Andalucía offered the over-populated north unrivalled opportunities, so singularly failed to follow in their predecessors' footsteps.

Maybe it was the heat that deterred the thirteenth-century descendants of those northerners who had ploughed along the pilgrim road throughout the 1100s and then (allegedly) peeled off to man (and woman) the frontier.⁴ After his famous victory at Las Navas de Tolosa in July 1212, Alfonso VIII of Castile informed Pope Innocent III of the defection of the French before battle had been joined. The heat of the Spanish high summer, together with the sheer hard grind of it all, had proved too much for them. In short, the French were just not up to it (though the king left it to the pontiff to gather this for himself). There was an inwardness to this, of course, and the innate propensity of Castilians to denigrate the French to be allowed for (González 1960: iii. no. 568; Smith 1989: 14–25; Linehan 1993: 295–6) – though that was not all there was.

For northerners, whether we call them Christians or 'Christians', the frontier was the area to the south beyond which lay that part of the peninsula from which their ancestors had been forcibly ejected by gangs of trespassers. At the siege of Lisbon in 1147 the archbishop of Braga called up to the soldiery on the city's ramparts to return to the *patria Maurorum*, 'to the land of the Moors from whence you came', and from which by his reckoning it was 358 years earlier that they had come. As it happens, his reckoning was faulty, just as was that of the king of Aragón, Pedro I, in 1096, according to whose calculation the Moors had been in the peninsula since the year 656 (Linehan 1982: 188–9). But that is not the point. It was not the arithmetic of it that mattered. What mattered, and what distinguished the frontier in the vicinity of which the archbishop of Braga and the king of Aragón were active from other frontiers elsewhere and in other ages, was the elementary consideration that the cause in which they were engaged was not an adventure into the unknown. It was, as the archbishop made plain in 1147, a process of expelling intruders from territory which had been theirs all along, a process not of conquest but of reconquest. ('Incorporation', 1998's politically correct term for the reconquest of Seville in 1248, would not have cut much ice at Lisbon in 1147.) From the time of the 'invention of the Reconquest' in the ninth century until its completion in 1492, insistence on the historical continuum was an instinct deeply embedded in the collective consciousness, periodically activated by royal propaganda and social ritual (MacKay 1989: 232–41).

Here we are not concerned with the legitimacy of that conviction, with the Gothic myth which sustained it, or with the means by which successive generations were reminded of their historic mission (Maravall 1964: 249–337; Linehan 1993: 51–127), but rather with selected aspects of the social complex within which ultimately its realisation was in a certain sense achieved.

The earliest frontier between the Christian or 'Christian' area of the peninsula and the area that lay to the south of it was once believed to have been the deliberate creation of the middle years of the eighth century. A no-man's-land, a *cordon sanitaire*, according to that tradition it was established by Alfonso I, the nomadic ruler of the Asturias, in order to concentrate the peninsula's scarce human resources in the more readily defensible mountain region to the north of the Duero valley (Gil Fernández *et al.* 1985: 132, 133). Modern historians have long debated the credibility of that

tradition and the plausibility of the late Claudio Sánchez-Albornoz's insistence that it was to the human desert thereby created that the proto-Castilian peasant proprietors who eventually moved into that area owed their uniquely free and unfettered condition and their natural resistance to feudal subjection (Sánchez-Albornoz 1966: 121–211).⁵ And the debate continues.⁶ W. P. Webb's celebrated characterisation of America's colonial frontier as 'the fifth column of liberty' (Webb 1953: 265) appears increasingly inappropriate to the Spanish case, whether in the ninth century or the thirteenth. Yet the fact remains, this at least remains unchallenged: from the very outset, one of the Spanish frontier's salient features was its lack of manpower.

Another, related to this, was the ethnic and social untidiness of the confronting hinterlands, Muslim *al-Andalus* and Christian Spain (for the Christians had appropriated the name *Hispania*), with each harbouring a substantial population of co-religionists of the other persuasion between 711 and the arrival of large numbers of Islamic fundamentalists in the eleventh century, and with Christian Mozarabs such as Alvarus vocal in Córdoba and, in those parts of the peninsula north of the line of demarcation as that line moved (oh so slowly) southward, a substantial population of Mudéjars. Not until the unassimilated Moriscos were expelled in the years after 1608 was that problem (as by then it was viewed) eradicated. Be it noted, however, that the fears which occasioned the remedy of expulsion adopted in the years after Lepanto, fears that the Moriscos were in league with Turks and Protestants, were identical in nature to those involving conspiracy on a Mediterranean-wide scale that had been entertained and had inspired the furious anti-Jewish campaign of the 680s (Gil 1977). Conversely, the catastrophic consequences for the economy which that expulsion entailed, and which came to be appreciated almost before the last Morisco had left (Elliott 1977), serve to explain why it was that over the previous several centuries the Christian rulers of Spain had stopped short of depriving themselves of that labour force whose presence, as well as constituting so mortal a danger for them, had induced northerners to seek their fortunes on the frontier in the first place and had persuaded them to venture south from Aragón and Argyll. What, indeed, was the point of attacking the Saracens at all?, Humbert de Romanis, former Master General of the Dominican Order, asked in 1274, in his *Opusculum tripartitum*. 'For when we take their lands from them none of our people come to settle them. Our people prefer to stay at home. What is the point of it therefore? What is the point, either spiritual, corporal or worldly, of all the effort?' Was there *any* point to all the exertion? (Brown 1690: 196 [trans. Linehan]; Brett 1984: 176–94). For Humbert, of course, this was a question demanding the answer Yes, and his response to subversives who reasoned otherwise he designed to prove decisive. Not all his readers in Spain, however (if any there were), would necessarily have agreed.

Although victorious, the Christians in thirteenth-century Andalucia and the Levante were hopelessly outnumbered, and their military ascendancy was challenged by the presence of a sullen, defeated and often displaced majority. The case of the kingdom of Valencia has been minutely, and repeatedly, rehearsed by Fr R. I. Burns, most recently in respect of the surrender of Játiva to Jaume I of Aragón at the conclusion of the Christian siege of that place in 1244. With the Muslims left in charge of the larger of Játiva's two fortresses, and secure in the enjoyment of their religion, their property and even the possession of their Christian captives, it appears almost a moot point who was surrendering to whom (Burns and Chevedden 1999a;

Burns and Chevedden 1999b). Balkan in character though the Játiva situation was, for the Christian conquerors the thoroughgoing measures adopted in the late 1990s were not an available option. In conducting their civil war, capitulation on generous terms was the only viable policy – just as it had been for the Islamic conquerors of the cities in that same region half a millennium earlier: the Christians' dilemma in the 1240s was the mirror image of that of the 'Arabs' in the 710s. Then it had been the collaborating cousins of the (by the 1240s) reviled don Oppas who had benefited and been allowed to keep their mass (Collins 1989: 39–41). It had even been so in 1119 when, with crusading fervour in the West at its height, the Muslims of Tudela in Navarre had capitulated and those of them who were not of servile status had been allowed to retain both their landed property and their weapons (Verlinden 1955: 175–8). England's vanquished Christians in 1066, vanquished by a Christian foe, would cheerfully have settled for less.

And more. Compare and contrast these two protests, uttered by respective spokesmen of the Christian Mozarabs living under Arab domination and by the unassimilated Mudejars subject to Christian rule six centuries later:

The Christians love to read the poems and romances of the Arabs . . . Where is the layman who now reads the Latin commentaries on the Holy Scriptures, or who studies the Gospels, Prophets or apostles? Alas! All talented young Christians read and study with enthusiasm the Arab books; . . . they despise the Christian literature as unworthy of attention. They have forgotten their language.

(Paulus Alvarus, *Indiculus luminosus*: Gil 1973: i. 314; trans. Southern 1962: 21)

One has to beware of the pervasive effect of their [the Christians'] way of life, their language, their dress, their objectionable habits, and influence on people living with them over long period of time, as has occurred in the case of the inhabitants of Abulla [Ávila?] and other places, for they have lost their Arabic, and when the Arabic language dies out, so does devotion in it, and there is consequential neglect of worship as expressed in words in all its richness and outstanding virtues.

(Abū'l-ʿAbbas Aḥmad al-Wansharīshī, *Kitāb al-Mi'yār al-mugrib*: trans. Harvey 1990: 58. See chap. 4, this volume, p. 61)

The uncanny resemblance between the sentiments expressed by the biographer of Eulogius in ninth-century Córdoba and those of al-Wansharīshī at the end of the fifteenth century provides yet another expression of the social reality common to the frontier and to the two variegated communities flanking it. The frontier in medieval Spain ran through every human community, through many families, even through many individual hearts and minds, the hearts and minds of Jews as well as Christians and Muslims, and created tensions which communities learnt to transform into *convivencia* (the co-existence of peoples of different faiths) by ritualising them. In 1300 Jaime II of Aragón warned the seniors of the University of Lleida not to dress up as Muslims and Jews in order to taunt the local minorities on the feast-days of St Nicholas and St Catherine. He was perfectly prepared to allow children to do so, however (Nirenberg 1996: 224).

Christian communities and their leaders engaged in these reassuring charades (which have survived to this day) (Albert-Llorca and Albert 1995) because they had to, and they had to because there was never enough manpower available to efface the effects of those frontiers. The reason why non-Christian communities persisted in Spain until 1492 and beyond was that on neither side of that infinity of divisions which is loosely termed ‘the frontier’ were there sufficient resources to dispose of them. To return to the valley of the Duero. If, as there certainly appears to be (Manzano 1991; Glick 1995: 113–14), there is reason for supposing that instead of moving north in the 750s its population stayed put, then the frontier does not disappear. Rather, it acquires new contours, castles in the air constructed from the debris of old easily dismantled certainties assisting the process, and generous applications of speculative glue⁷ serving to render it an area of social coagulation and social rejection, an area within which ‘Mudejars’ and ‘Mozarabs’ brushed against one another at the bakehouse and the village well, and that process of human layering got under way of which it is the historian’s job to attempt to make sense.

With a view to disturbing this unsatisfactory equilibrium, as between 1936 and 1939, so between 711 and 1492 the will to prevail led both sides to bring in reinforcements from beyond the peninsula. In the case of Christian Spain, the consequences are well enough known. In order to establish a human presence in the great exposed zone which ran from Lisbon on the Atlantic to Tortosa on the Mediterranean after the reconquest of Toledo in 1085 and the ensuing Almoravid seizure of control of Andalucia, the rulers of ‘Christian’ (or, arguably, by this date Christian) Spain enticed the riff-raff of the West to the frontier with *al-Andalus*. These were George Duby’s *jeunes*, Europe’s younger sons, the extruded elements of more rational systems of estate management combined with the consequences of the Gregorian papacy’s foreclosure of an easy abbacy or uneventful bishopric (Duby 1973). Students of modern empires and theories of imperialism may prefer to regard them as the beneficiaries of a ‘gigantic system of outdoor relief’ for the military aristocracy of Christian Europe, as the Milner’s young men of their generation (cf. Robinson and Gallagher 1961) – and they may well be right. The alternative frameworks of interpretation merely set the alternative historiographical traditions, the French and the English, in starker relief. They do not account for the Spanish moment.

The *fuero* which Alfonso VI granted to Sepúlveda (not far from Segovia) in 1076 – a code subsequently adopted as far afield as Morella in Aragón (1233) and Segura de León to the south of Badajoz (1274) – provided immunity for all-comers. In this recent haunt of bears and boars, as Alfonso VI described the area in 1107, once they had crossed the Duero even murderers were guaranteed refuge (Sáez 1953: 46; Sánchez-Albornoz 1966: 388). On his way to seek monastic sanctuary at Cluny ‘because there was nowhere for him to stay’ in Alfonso VII’s kingdoms (the usual problem in reverse), the treacherous count Gómez Núñez (Maya Sánchez 1990: 189) would have passed streams of aspiring frontiersmen travelling south for precisely the same reason.

Small wonder then that in about the year 1206 Sepúlveda witnessed the protest meeting of which so graphic an account has survived, the meeting summoned in order to plan the downfall of the bishop of Segovia for attempting to deprive the local clergy of their lady-friends. There was discussion of an appeal to the pope against this radical proposal, whereupon

almost all the clergy of Sepúlveda, of both the town and the villages, met in a church and, joining hands, swore to assist each another against the bishop, any one of them breaking the oath to be discommuned and fined fifty *aurei*. And they then summoned the officials to their chapter and made them swear to withhold the bishop's procurations.

(Linehan 1981: 485)

The clergy of Sepúlveda drove the bishop mad . . . really unhinged him.

(García y García 1977: 252-3).

In the period of little over a century (1085-1212) between the reconquest of Toledo and the decisive battle of Las Navas de Tolosa, Spain was a land without extradition treaties in which desperadoes were welcomed because everyone was needed. 'You were employed with arms and the sword; you were committing acts of pillage and other misdeeds of soldiers, concerning which there is no need now to speak in detail', the bishop of Porto reminded the Jerusalem-bound crusaders who stayed on to participate in the reconquest of Lisbon in 1147. Here is the authentic voice of twelfth-century Spain. 'You are (still), as is apparent, bearing arms and the insignia of war', the bishop continued, 'but with a different object'. (That was perhaps wishful thinking.) In their dealings with their co-religionists, Duby's celebrated not very gilded youth on the loose in the peninsula were hardly conspicuous for acts of selflessness (David 1936: 83; Duby 1973: 221). Indeed, those of them who stayed on to man Christendom's frontier represented a greater danger to other Christians than they did to Christendom's foe. The burning of churches full of their co-religionists was a not uncommon consequence of the generous terms of the local *fueros* whereby the arsonists had been brought in. 'We are the kings', declared Pedro Negro, leader of the *concejo* of Cordobilla in dispute with the monks of Aguilar de Campoo at about the time of the Sepúlveda affair (Pastor de Togneri 1980: 149; Linehan 1993: 264-5).

There are those who would embrace the likes of Pedro Negro as Turnerian frontiersmen *avant la lettre*, as the forebears of those 'Castilians as plainsmen', the pastoral inhabitants of the Guadiana basin whose activities were subjected to Bishko's critical scrutiny all of thirty years ago, those precursors of 'Pizarro, Valdivia, and thousands of others, whom the region early sent to the Indies and who there created New Extremaduras in Mexico and Chile' (Bishko 1963: 64). But just as the transitional significance of the Canaries experience remains to be analysed, so too does it remain the case that it was not until the 1220s that Castilians coined a word to express the concept of a territorial 'frontier'. 'It is the duty of kings to defend their frontiers', Fernando III declared in 1222 – *frontarias* constituted by series of fortresses or the course of rivers, that is (Gonzalez 1980-6: ii. nos. 154, 157; Gomes 1991: 370; Molénat 1996: 112-17).⁸ The suggestion of another American medievalist, A. R. Lewis, that by the 1220s the medieval frontier was on the point of closing altogether (Lewis 1958; Linehan 1993: 207-8, 292-5), must therefore have been greeted by him with blank incomprehension.

And more than that. Lewis's suggestion would have shaken Fernando III (and with him the entire roll-call of thirteenth-century Spanish kings) to their foundations. For if the frontier was on the point of closing down, then where did that leave

them? After all, was it not precisely their unique status as Christendom's frontiersmen *par excellence* that entitled them to hold to ransom both their own churches and the Roman Church itself (Linehan 1971)?

And more still. For Pedro Negro-types were by no means confined to the frontier which they patrolled, the frontier with Islam. They were as much in evidence on Christian Spain's internal frontiers, that is to say on the frontiers which separated Christian kingdoms and even Christian dioceses. In 1245, for example, while Fernando III of Castile was mustering his forces for the final push towards Seville, in the neighbouring kingdom of Aragón the bishops of Zaragoza and Huesca were clashing croziers over the nice question of which of them was entitled to the tithe of lambs and other animals conceived in one diocese and born in the other (Canellas López 1972: no. 72). And the proctor who in the 1290s pleaded for an extension of credit at the papal court on the grounds that, being 'on the frontier', the church he was representing was in a bad way, was not referring to the frontier with Islam; Tudela was in the kingdom of Navarre (Linehan 1980: 500). Nor was the habit of untidy straying peculiar to the peninsula's quadrupeds. Long before its constituent kingdoms established more or less permanent frontiers, Christian Spain was riven by frontier disputes, notably by inter-diocesan disputes concerning archdeaconries and parishes periodically reactivated by the failure of ancient ecclesiastical divisions to conform to more recent secular realities (e.g. Cañizares 1946; Duro Peña 1975). Indeed it was disputes of this nature (at every level of society) and the remedies sought for their resolution in documentary evidence and the crystal-clear memories of successive stage-armies of toothless centenarians, and the conventions adopted to mark their cessation – both physical (boundary marks protected by biblical taboo) and symbolic (crosses carved on tree or stone, libations of wine) – that prepared peninsular society for settlements such as the Treaty of Alcañices which in 1297 determined Portugal's border with its eastern neighbour forever after (Ruiz 1997; Linehan 1993: 333; Gomes 1991: 367–70; Mattoso 1995: ii.193–6). Maps came later (Gomes 1991: 374–6).

As to such conflicts themselves, it is as difficult to attribute their prevalence to the influence of Frenchmen and other northern ruffians as it is to account in such terms for the urban *hermandad* which drove the local bishop from the northerly see of Lugo in 1159 or for the succession of urban rebellions which Alfonso VI of Castile's death half a century earlier had unleashed along the whole length of the pilgrim road to Compostela (Gautier Dalché 1979: 211–30; Pastor de Togneri 1980: 147). It is also unnecessary. For not only had symptoms such as these been evident in Spain well before Islam had reached the peninsula. They would also long outlast its formal extinction.

The phenomenon of urban implosion on this scale finds no place in Lewis's account of the 'Closing of the Medieval Frontier'. That is understandable inasmuch as it occurred all of a century too soon for Lewis's purposes. Not so that other element absent from his analysis, however, the fact that in the years after the decisive battle of Las Navas in 1212, just as the opportunities of Andalucía became available to the rulers of Castile, for some reason quite suddenly the human supply from north of the Pyrenees almost completely dried up – with far-reaching consequences. This deserves comment. After all, it was only recently that the confrontation with the Almohads had made Spain very much the focus of European attention



Figure 3.1 Map of medieval Spain.

(Lomax 1988). Had the pitilessly arid climate of northern Andalucía something to do with it? Was it the waterlessness of the region that deterred, just as six centuries later it would determine the course of the settlement of the American Mid-West (Webb 1931: 319–452)? May dietary fears have contributed, as in 1274 Humbert de Romanis suggested they did by deterring Westerners from travelling to the Holy Land (Brown 1690: 193)? The awesomeness for northerners of the prospect of eternal olive oil is not to be underestimated. It may well have been the effects of diarrhoea as much as the willingness of the Castilians to allow enemy strongholds to surrender on terms that caused the French contingents to defect in 1212 (Linehan 1997: 145–6). And it is certainly striking that, in selling Seville hard, Fernando III promoted the territory irrigated by the Guadalquivir as the last unspoiled preserve of fecund nature, fertile beyond all imagining. Appropriating to Seville and its environs the superlatives which in the seventh century Isidore of Seville had reserved for Spain itself, Fernando III reiterated the lavish account in the ninth-century ‘Chronicle of Alfonso III’ of Pelayo at Covadonga leading his people Moses-like through the Red Sea and into the Promised Land – though with the difference that in the years after 1212 it was a parched desert that barred the way (Vanderford 1984: 19–20; Linehan 1971: 106; Gil Fernández *et al.* 1985: 128–9).

And according to Fernando’s contemporary, Archbishop Rodrigo of Toledo, the ruse worked – or at least it had worked when the city of Córdoba had fallen in 1236. Such was the reputation of the place that was bruited abroad that settlers (*habitatores*) flocked there from all parts of Spain ‘as to a king’s wedding’, in such numbers

indeed that more came than there was room for (Fernández Valverde 1987: 299); similarly to Jaén ten years later, attracted thither by the king's *pobladores* with their promises of 'great liberties' (González Jiménez 1994: 27). Yet from further afield still they did not come. *En masse*, Europe's younger sons continued to spurn Europe's frontier. Why this should have been so remains a mystery. There were, to all appearances, richer pickings to be had in Spain after 1212 than ever before. There were also (also more than ever before) men and families north of the Pyrenees with no means of supporting themselves. Yet demand and supply failed to make contact.

And soon the supply from south of the Pyrenees began to dry up too. As in the kingdom of Valencia as related by Father Burns, so also the 1260s and 1270s found the Christian frontier in Andalucía perilously undermanned, with many of its earliest settlers having returned home, the professional *habitadores* engaged in poaching settlers from already sparsely inhabited areas to the north, and its king seeking to make good the shortfall by conniving at clerical marriage and promoting new shrines in the south with a view to luring miracle-hungry pilgrims from Santiago where they served no practical purpose to areas where conceivably they might (González Jiménez 1988: 83–9; Linehan 1993: 510–16; Linehan 1997: 145; Linehan 1999: 676–8). In the fourteenth century such were the origins of the shrine of Guadalupe in the rocky wastes of strategically crucial Extremadura further west (Linehan 1985). And further west still, where in 1268 it was reported that 'Extremadura' was the kingdom of Portugal's most populous region, Algarve-ward migration produced the same effect as in Castile, of exacerbating deep-rooted north–south tensions (Mattoso 1995: ii.15–28; Marques 1990: 520).

But the shortfall remained, and the consequences of it determined the history of the southern part of the peninsula from that day to this. The process of colonisation failed to exploit the advantages achieved by the passage of arms. The meagre resources of a single generation were not sufficient to secure both. In the terminology adopted by Jaume Vicens Vives (1967: 144), 'la Reconquista militar' (the military reconquest) was disappointed of that supplementary 'verdadera Reconquista', 'la Reconquista lenta' (the slow reconquest). 'In a civil war', General Franco reflected in 1937, 'a systematic occupation of territory accompanied by the necessary purge (*limpieza*) is preferable to a rapid rout of the enemy armies which leaves the country still infested with enemies' (Preston 1993: 222). But though, like Franco, Spain's medieval rulers were prepared when necessary to make use of Moorish legionaries to advance their Christian cause, they shrank from the ghastly measures adopted by its twentieth-century *caudillo*. At least until the fifteenth century, ethnic cleansing was not part of their policy. And if the consequences of this were religious – to the extent that, as in the aftermath of Franco's 'crusade', the real reconquest, the 'reconquest of souls' spoken of by Chaunu (1962: 137), was postponed *sine die* – a large part of the reason for it was what historians insistent on compartmentalising body and soul would define as economic.

And another part of it, perhaps, was that those 'great liberties' which Fernando III had promised his subjects his son Alfonso X failed to deliver. After 1252 municipal government throughout Andalucía was brought increasingly under royal control, with its *alcaldes* the king's *alcaldes* and no sign in sight of Webb's famed 'fifth column of liberty' (González Jiménez 1993–4). The fifth column in the minds of the conquerors of Andalucía was one of an altogether more sinister nature. Comprising the

displaced population among whom they lived and moved, it bore all the characteristics of those Jews of Toledo who by now, according to the chronicler Lucas of Tuy, had opened the city gates to the invaders in 711 (Schottus 1608: 70). Eternal vigilance remained the rule, therefore, that vigilance in accordance with which the citizens of twelfth-century Plasencia were instructed that when there was a fire in the city their first duty was to man the city walls against invaders (Lourie 1966: 59). Reporting the return to Santiago de Compostela in the 1230s of the bells that had been carried off to Muslim Córdoba in 997, Robert Bartlett has remarked that the Galician shrine was 'now buffered by miles of Christian territory' (Bartlett 1994: 295). But oh, what folly! It was complacency of this order that undid the archbishop of Toledo, the Infante Sancho of Aragón in the 1270s. Because, as he fondly imagined, the pressure was off, because the Moors were now far away and the road north from Toledo was both safe and open, the Infante reduced the residence requirement of the canons of his church to just three months' attendance *per annum*. But D. Sancho had made the same fatal mistake as Bartlett, and after defeat in battle with the Marīnids in October 1275 he paid for it when his severed head and hand were sent back home in a casket (Linehan 1971: 179; González Jiménez 2000: 180–3).

Had he taken account of all this, Lewis would doubtless have dutifully logged it as yet another symptom of the 'Closing of the Medieval Frontier'. But he did not. Without the assistance of rear-view mirrors, on the Great Trek through History the field of vision from the covered wagon is inevitably restricted. According to Raymond Carr, 'people who wear bow ties may have an ambiguous relationship with the establishment'.⁹ The same may be true of men with stetsons. 'Students of costume', Bishko has surmised (1952: 507), 'could doubtless trace back to the twelfth century regional dress of the *charros* and *serranos* of Salamanca and southern Old Castile, the cradle of the ranch cattle industry, the cowboy costume that appears with many local variations in the Indies; the low-crowned, broad-brimmed hat, the bolero jacket, the sash and tight-fitting trousers, the spurred boots.' Doubtless they could – though they had better mind their step with those spurs, for, as L. J. McCrank has counselled us (1983: 328), to 'the Americanization of a medieval episode' 'some Europeans have objected'.¹⁰ In particular, the reservations as to the usefulness of Turnerian concepts which I had expressed in respect of the work of Father Burns, McCrank adjudges unduly narrow. 'Linehan objects to the generalization about frontier mentalities, such as Burns's notion of the "religion of the frontier",' he writes. 'Linehan's points', he continues, 'seem not to extend to the large, beyond-Turner, interpretations of frontier phenomena, and if he finds these phenomena widespread, this could mean that much of Europe was a frontier in a developmental stage and ongoing expansion. Thus the counter-argument would be that we have just begun to discover how appropriate frontier concepts and approaches are for the interpretation of medieval European history' (McCrank 1983: 329).¹¹ If this and the counter-argument (if that is what it is) are indeed what I meant then I can only agree with Dr McCrank's dogged exegesis of an *obiter dictum* on the subject of the proclivities of the clergy of Valencia and Segovia and of the clergy of Rouen and Lincoln contrasted (Linehan 1981: 501–2). For if *all* Europe was a frontier, where, one may ask, was the European hinterland or metropolis? Where was the other terminal of Webb's fully charged battery but for which none of those enlivening sparks would ever have moved from one pole to the other? (Webb 1953: 8–13; Barraclough 1954).

Pace McCrank, it is not a question of seeking 'to undermine the frontier interpretation of MacKay, Burns, Glick et al.' It is rather a question of measure, of proportion. As Burns himself remarked in 1989, referring to the starting point of the whole self-regarding debate, when Turner was writing and rewriting his thesis his frontier of settlement had not disappeared after all. Nor has it yet. In 1988 Turner's frontier of settlement still covered '45 percent of the land area of the United States', Burns reported, quoting a recent report in the *New York Times*. With 'fewer than six people . . . per square mile', the 1988 frontier was 'a region statistically more violent and dangerous than any urban ghetto' (Burns 1989: 308). But by a similar reckoning, when in 1965 a 13 per cent turnout for mass was 'more than usual' in a semi-rural parish in the diocese of Seville (Lannon 1987: 10) the Spanish Reconquest may be adjudged still far from complete. Though the religious sociologists were not yet out in force to advise the Mozarabs of mid-ninth-century Córdoba, it was religious indifference of precisely this order that had so alarmed Eulogius and his embattled community.

If, as may be the case, Father Burns (or, as it may be, the *New York Times* correspondent) is right on this occasion, then the distinctly downbeat account of the 1987 Edinburgh conference at which Burns's thoughts on the subject were first aired may be altogether more to the point than Dr McCrank. On that occasion, 'terminological or definitional debate about the nature of the frontier did not take up much time. . . . Most contributors were happy to pursue empirical issues and allow the frontier element in their analysis to speak for itself' (Bartlett and MacKay 1989: p. v).

As to Spain, the empirical approach is applicable even to McCrank's own particular stamping ground. There the river Llobregat marked, or was thought by some to mark, a frontier of a sort between freedom and servitude (Freedman 1991a: 111; Freedman 1991b: 135–9). And whatever may have been the case in Catalonia, on the frontier further west Cistercian monasticism did not figure at all. Further west it was hard against the Atlantic that the cloistered Cistercians made their mark, infilling the Galician hinterland. In Castile they served a different function, not on the Christian frontier with Islam, but on Castile's internal frontiers, its frontiers with its Christian neighbours. During the 1170s, at Alfonso VIII's behest, the communities of Bujedo, Herrera, Rioseco and Benavides were all relocated in order to counter the Christian king of Navarre (Pallares Méndez and Portela Silva 1971; Alvarez Palenzuela 1978; Moxó 1979: 269–75). It was their uncloistered brethren, the members of the military order of Calatrava who featured on the frontier with Islam, combining that commitment to the chastity which the Rule prescribed with an equal zeal for the shedding of Saracen blood.

Yet even in this quintessentially Christian institution, in its earlier manifestation the Aragonese Confraternity of Belchite there are identifiable indications of acculturation, with the *ribāt*: Islam's frontier outposts set against the other, the *dār al-harb* (Lourie 1982). And so it continued in Spain's haven of *convivencia*. 'It has been the fashion to regard the war of the Reconquest . . . as a war of religion', Turner's American contemporary, H. C. Lea, remarked in 1901. 'In fact, however, the medieval history of Spain shows that in the long struggle there was little antagonism either of race or religion' (Lea 1901: 1). That is a large generalisation, of course, and the agonising over the nature of Spain's Spanishness in which Spaniards have indulged since 1898 necessitates all manner of qualifications. After all, the peninsula's Christian

rulers were committed to the concept of 'a tidy kingdom' and were at pains to prevent apostates, renegades and *tornizados* from blurring ethnic and religious distinctions. Thus in 1276, after the suppression of the Muslim revolt in the kingdom of Valencia, Jaime I of Aragón decreed that those who had conveniently espoused Islam during the rebellion were either 'to go to the country of the Moors' or, if they chose to remain, 'to remain Christian', and in the *Siete Partidas*, the law-code superintended by Jaime's contemporary Alfonso X of Castile, fearsome penalties were prescribed for apostates (Burns 1972: 347, 349; Real Academia de la Historia 1807: iii. 677–80). Yet in the very next law of the relevant title of the Seventh *Partida* the safe-conduct of envoys from the 'tierra de moros' was guaranteed, whether they be 'Christian, Moor or Jew' (Real Academia de la Historia 1807: iii. 680–1). (After all, Alfonso X numbered the Nasrid king of Granada among his vassals.)

An incident noted in Angus MacKay's richly suggestive article demonstrates the extent of *convivencia* and collusion on either side of the frontier with the kingdom of Granada two hundred years later, at a time when within the Christian hinterland itself the cause of *convivencia* was already under serious strain. At the conclusion of one of those skirmishes across the lines which were so regular a feature of existence on that edge of mid-fifteenth-century Christian Europe, in this case involving the Christians of Jaén and the Moors of Colomera, on this occasion when the time came for the exchange of captives, a shepherd named Pedro made a nuisance of himself. Having converted to Islam, he now refused to return to the Christian fold. General consternation. He would not go home to mother. So his unwilling Moorish hosts found themselves constrained to ask the Christian authorities to arrange for mother to come for him and take him back, back over the frontier whose line on the map they could trace even if some historians of part of our period cannot, and haul him home to Colomera (MacKay 1976: 26; Carriazo 1971: i. 280). If only we had material of that calibre about the shepherd boys of Spain's earlier centuries we should not be so much at the mercy of scholars who lay down the law about human affairs on the strength of their lucubrations over the remains of castles and bits of pots.

The employment by both the Christian and the Moorish municipalities in the Jaén region of *rastreros*, officials whose task it was to collaborate in the settlement of trans-frontier incidents, and of *alfaques* responsible for organising the return of captives and 'missing persons', amply demonstrates 'that frontier authorities were fully aware of the escalating problems caused by reprisal warfare and attempted to eliminate it' (MacKay 1976: 23–5). *Alfaques* worked on a commission basis, even speculating in futures. This was big business: not quite such big business, admittedly, as the ransoming of French and English captives during the course of the Hundred Years War, but in its essentials governed by the same considerations, and by the same considerations that had applied in 1147 when the Jerusalem-bound crusaders from northern Europe had sold their services to the king of Portugal at the siege of Lisbon. Accordingly, the *alfaques* were firmly committed to the maintenance of understandings and arrangements with their opposite numbers across the line (López de Coca Castañer 1989; David 1936: 110). Such measures testify, we might say, to a shared desire to preserve (for example) the 'no-animal's land' in which Muslim and Christian flocks were pastured together, by taking the steam out of the situation (Rodríguez Molina 1997: 260–2, 272–4; Carmona Ruiz 1998: 262–5). (For the average peninsular sheep, life on the frontier with Islamic Granada

in the 1470s was distinctly less fraught than it had been two hundred and more years earlier on the paternity-suits-ridden diocesan boundaries of Christian Aragón; p. 42, this volume.)

And yet, for all that, and scalded by that steam as they sometimes were while monitoring the press of human traffic in the direction of San Ginés de la Jara (the shrine to the Virgin near Cartagena which Alfonso X promoted in order to attract Christian settlers to the south west and to which Muslims flocked too on account of its associations with a relative of the Prophet (Linehan 1993: 513–14; MacKay 1976: 23–4)), at the time, to the proprietors of those ecumenical ruminants the proposition that actually there was *no* situation – that, despite the severed heads sent home in caskets, ‘all this evidence suggests the possibility of such a degree of cultural confusion, in the broadest sense of the term, that it is almost as if a frontier, as it is normally envisaged, hardly existed’ (MacKay 1989: 222; López de Coca Castañer 1989: 149) – must surely have come as a surprise.

As a surprise. But perhaps not as very much more than that. For the frontier was as much part of everyday life as the parish. Like the parish, the frontier was an institution available to be appealed to when needs must. In fact, by the 1480s the parish was no more than a venerable fiction. (It had been so ever since the years of the battle of Las Navas de Tolosa when Rome had first let the friars loose to undermine its foundations.) In theory, of course, this was untidy, just as, in theory, so were both the Crusade against Islam and the *jihād* untidy, equally and absolutely though they constituted the most sacred of obligations (Linehan 1997; Urvoy 1973).

In *theory*, the very idea of frontier *convivencia* is inconceivable. Crusade and co-existence comprise a confessional oxymoron if ever there was one. But in *fact* people aren’t like that. ‘In fact’, as has been well observed, what ‘appears increasingly strange [is] that historians [should ever] have insisted on an either/or approach towards the two modes of frontier behaviour.’ ‘In doing so’ – the author of these remarks continues – ‘they have demanded of late medieval society a degree of homogeneity they would not expect to be present in other periods. Perhaps, seeing the high premium which was placed on uniformity in the Middle Ages, they have assumed that it corresponded to reality. But in practice the inconsistencies of human behaviour and belief were probably as deep as in any age’ (Housley 1996: 115).

Just so. At the Spanish frontier it was precisely those ‘inconsistencies of human behaviour’ that made the world go round. Despite the (intermittent) inspections of the place by ‘inventive Europe’, there, in Auden’s fragment of hot Africa, only rarely did theory and practice, whether Islamic or Christian, ever precisely coincide, or even get on. There, all that there was to be got on with was life itself.

NOTES

- 1 I am indebted to María Antonia Carmona Ruiz, David Nirenberg and Margarita Torres Sevilla for their critical reading of an earlier version of this chapter.
- 2 Whose Turnerian characteristics were long ago stressed by the American historian of medieval Germany, J. W. Thompson (Thompson 1928: 522–4).
- 3 ‘Tocado todo morisco e bien fecho’ (Carriazo 1940: 52).
- 4 Dillard 1984, esp. chap. 1. By contrast, women were excluded from participation in the military *jihād*, at least in theory; Khadduri 1955: 85.

- 5 For the view that 'of course the free proprietor was dominant in Castile in the eighth to tenth centuries: he was everywhere!' and that 'in the case of Castile . . . a more fuller [sic] feudalisation of such territories was delayed', see Glick 1995: 102.
- 6 And for its latest stages Glick is useful, despite factual inaccuracy (for example, it was not Alfonso II but Alfonso I who, according to Sánchez-Albornoz, took 'the remaining population northwards and made the entire valley an empty buffer zone between the opposing blocs': Glick 1995: 113).
- 7 As, for example, in the fanciful description of the present writer as 'a partisan of the institutional school' (Glick 1995: 94).
- 8 The words 'frontera', 'frontaria' first occur in the chronicle and chancery products of Bishop Juan de Soria (or de Aza), chancellor of Castile (post-early 1220s), and (post-1236) chronicler (Linehan 1993: 263). (The question of his authorship of the later part of the *Crónica latina* has been raised by Charlo Brea 1995.) In 1239 a papal penance prescribed military service 'in frontaria regni Portugalie' (Costa 1963: 266); cf. Gomes 1991: 359.
- 9 Reviewing Adam Sisman, A.J.P. Taylor: *a biography: The Spectator* (London), 22 Jan. 1994, 24.
- 10 For a rather more nuanced treatment of McCrank's theme, viewed from a wider perspective, see Pérez-Embid Wamba 1994.
- 11 It is to be noted that it was not, as McCrank states, '[Burns's]' "The Religion of the Frontier in Medieval Spain", *Proceedings of the Second International Colloquium in Ecclesiastical History* (Oxford 1974) which provoked Linehan's rebuttal'. The author of 'The Religion of the Frontier in Medieval Spain' was not Burns but Linehan and, so far as the latter is aware, no rebuttal has yet been issued, not even by himself – principally because, despite the bibliographical particulars helpfully provided by McCrank, the *Proceedings* of the Colloquium in question have never in fact been published.

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CHAPTER FOUR

MUSLIMS IN CHRISTIAN IBERIA,
1000–1526

Varieties of Mudejar experience¹

—♦—
David Nirenberg

How does one begin to adumbrate a history as long, as complex, and as marvelous as that of the Mudejars? An eminent medievalist's strategy in introducing a more famously vanished world seems appropriate. 'What is a hobbit?' asked J. R. R. Tolkien. Hobbits are short, like dwarves, but have no beards, and there is little or no magic about them. Thus by juxtaposition with the known a new identity is ushered into the imagination. A similar process is at work in the creation of Mudejars. Mudejars are, or were, a Muslim people. But they merit a specialization and a name because, unlike Muslims *tout court*, they are subject to Christian rule.

The classification of Mudejars is therefore strictly a jurisdictional matter. Mudejars are Iberian Muslims with Christian lords. The existence of such a classification highlights a novel and important phenomenon: the birth of 'diaspora' communities of Muslims. The Mudejar experience of being a Muslim minority in a non-Muslim polity, of willingly living out one's days in the 'house of war', was exceptional for the Middle Ages. Today millions of Muslims live in non-Muslim countries. Some of these, like the Mudejars of old, live in areas 'reconquered' by Christians from their ancestors (e.g. the Muslims of the former Yugoslavia or the former Soviet Union). Others (e.g. Lebanese, Turk, African, Pakistani) are emigrants to more prosperous lands. These are all very different historical contexts from that of medieval Iberia. Nevertheless, the questions of acculturation, assimilation, and the maintenance of group identity that these Muslim populations face today bear more than a passing resemblance to those confronted by the Mudejars (Carmona González 1995; Fierro 1995). From this point of view, the 'Mudejar' category of identity is one whose relevance to contemporary issues is increasingly apparent.

MUDEJAR IDENTITY: IS JURISDICTION ENOUGH?

Like any category, however, this one obscures tremendous diversity. This is true even if we confine ourselves to the question of jurisdictional status. By strict definition, the young kingdom of Granada under Muḥammad I was by treaty a dependent state of Fernando III. But how much sense does it make to treat Granadan Muslims as Mudejar? The Muslims of Crevillente submitted to Castilian overlordship in 1243, but

they were ruled by their own *ra'is*, or lord, until they passed under the direct rule of Jaume II, king of Catalonia-Aragon, in 1318. At what point should we speak of them as Mudejars? We must not forget that Mudejar identity was a contractual identity, entered into through myriad treaties between conquerors and conquered, each different from the other, and each subject to constant renegotiation, reinterpretation, and change depending on circumstance. From a strictly jurisdictional point of view, there were probably as many Mudejar identities as there were Muslim communities.

Despite these caveats (and more to come below), it remains true that, for Mudejars and their contemporaries, all aspects of Mudejar identity flowed from their legal status, which therefore deserves attention. Mudejars were Muslims *de pacis*, that is, Muslims who had agreed, or more usually whose ancestors had so agreed, to be at peace with Christians and subject to them. In this fundamental way they differed from Muslims *de guerra*, who remained at war with Christians and could therefore legally be killed or enslaved by them. In principle, the rights of Mudejars were stipulated by treaty signed at the time of conquest. Given that the reconquest spanned half a millennium and a number of realms, it is not surprising that these treaties varied. The most important concessions, however, were fairly standard across time and are easily listed. In exchange for their labor and their taxes, Mudejars were to receive: (1) safety and confirmation of property rights; (2) guarantee of the free practice of religion, including the right to pray in their mosques, to teach Islam to their children, and to go on pilgrimage; (3) the right to rule themselves according to Muslim law (*Shari'a*), to be judged under it in any case involving only Muslims, and to name their own religious and judicial officials; (4) the confirmation of existing pious endowments in perpetuity; (5) a limitation on taxes, which were to be roughly similar to those paid under Muslim rule. (See, e.g., treaty of Xivert (1234) in Febrer Romaguera 1991: 10–16; treaty of Granada (1491) summarized in Harvey 1990: 314–23.)

These privileges are the foundation stones of Mudejar existence, which is not to say that they could not be violated or ignored. The last treaty of this sort, that signed with Granada in 1491–2, was irreparably broken within a few years of its signing. Less dramatically, all of the privileges contained in the earlier treaties were subject to gradual erosion or circumscription. The public call to prayer was often proscribed (Ferrer i Mallol 1987: 87–94), royal and seigneurial officials interfered in the appointment of judges (*qāḍīs*) and officials (García-Arenal 1984: 41), old taxes were raised and new ones imposed (e.g. the *servicio* and *medio servicio* of 1388: Torres Fontes 1962: 166). Occasionally, as happened in parts of Huesca (Aragon) in the thirteenth century (Utrilla Utrilla 1986: 202) and at Quart (Valencia) in the early fourteenth, a Mudejar community might even be expelled, and its lands confiscated. Mudejars were not naive on this score. One fourteenth-century Andalusī *imām*, Ibn Rabīʿ, warned that Christian kings were fickle, and that even when they kept their word they could not always enforce upon their violent subjects the provisions of treaties they had signed (Koningsveld and Wiegers 1996: 27–8). Nevertheless, these treaties articulated the contractual basis for the continued existence of Muslims in Christian Iberia in formal legal terms that were remarkably stable. The treaty of Granada would have been completely intelligible to those Muslims of Toledo who had surrendered their similarly magnificent city to the Christians nearly 500 years before.

THE SOURCES FOR MUDEJAR HISTORY

Treaties and jurisdiction alone cannot put flesh on the bones of Mudejarism. Fortunately many and diverse other sources exist from which to study how Mudejarism was experienced economically, socially, and culturally. Archaeology, for example, has yielded a vast amount of data about patterns of settlement (Glick 1995). The study of surviving pottery has underpinned arguments about the Mudejars' economic importance, as well as theses about Mudejar cultural decline based on the impoverishment of their stylistic practice (López del Alamo 1995). Here, however, I will confine myself to textual sources, which can roughly be divided into two types: those produced by Christians and Christian institutions, whether in romance or in Latin; and those produced by Mudejars and Mudejar institutions, whether in romance, in Aljamiado, or in Arabic. (Aljamiado is romance written in Arabic characters, though it often includes a good deal of Arabic vocabulary as well.)

By far the most abundant of these are Christian archival sources (by which I mean court cases, records of royal, municipal, seigneurial and ecclesiastical bureaucracies, and the records of notaries). Since the 1970s, these have served as the foundation for a body of work which established our understanding of the political, legal, and institutional underpinnings of Mudejar status. Even more recently, as scholars have become concerned about viewing the Mudejars through an excessively Christian optic, attention has shifted to Aljamiado and Arabic texts produced by Mudejar communities. Unfortunately the Mudejars themselves left little direct evidence of how they perceived their own identity, which in any case they themselves did not label as 'Mudejar'. Unlike their Granadan and North African co-religionists, Mudejars wrote no chronicles, no local histories. Perhaps for this very reason, few Mudejar scholars passed into biographical dictionaries of the type that Islamists have elsewhere put to such good use. For explicit Muslim representations of Mudejar cultural identity we need to turn to writers living elsewhere in the Islamic world, although, as we shall see, their claims have to be handled with care. But the Mudejars and their Morisco successors did leave behind a considerable number of contracts (Hoenerbach 1965), tax records (Barceló Torres 1984), polemical and religious works (Wiegers 1996; López-Morillas 1995), magical recipes (Harvey 1996; Kontzi 1984) and the like, documents which can be used to reconstruct their material and cultural world.

DEMOGRAPHY, LORDSHIP, AND ECONOMY

Perhaps the most important variable in analyzing this Mudejar world is demographic: different Iberian kingdoms had dramatically different numbers of Mudejar residents. Some 1,000 Muslims lived among 100,000 Christians in long-reconquered Navarre, while the approximately 175,000 Mudejars living in the rural villages of fourteenth-century Valencia vastly outnumbered their Christians neighbors. Within kingdoms distribution was similarly uneven. Nearly all Navarrese Muslims, for example, lived in only one of the five provinces of that kingdom. Within Catalonia, more recently reconquered south-western regions such as Tortosa or Lleida had significant Muslim populations, whereas only one Mudejar family lived in Girona, a city in the shadow of the Pyrenees and the old Frankish March. The same gradation,

albeit slightly more complicated by Muslim migration, could be drawn in Castilian lands from Andalucia to Asturias (Ladero Quesada 1989).

Even within one province of a specific kingdom vast demographic differences existed. In the Aragonese region of Huesca, for example, Mudejars might live in entirely Muslim villages, in places where the population and the town government were evenly divided between Christian and Muslim, or in towns and cities where Muslims were a tiny minority (Utrilla Utrilla 1986: 199). These differences had a significant effect on how individual Mudejars experienced diaspora. We will return to this issue below, but here it is worth noting that Muslim jurists were perfectly well aware of this effect. The same Ibn Rabīʿ cited above went so far as to divide Mudejars into three categories: those who lived as a minority dispersed among Christians, those who lived as a minority but separated from Christians in their own quarter or village, and those who outnumbered their conquerors. Each of these groups, according to him, experienced very different conditions. The first of them, for example, was particularly at risk of violence and assimilation, while the third was the most at liberty to follow Islam and therefore, somewhat paradoxically, had the greatest obligation to end its Mudejar status by emigrating to Muslim lands (Koningsveld and Wiegers 1996: 34–5).

Another variable, almost as important as population density in understanding the varieties of Mudejar experience, is lordship. Ibn Rabīʿ's third category probably alluded to one singular type of lordship in which Mudejars were ruled indirectly by Christians through Muslim lords. This type of lordship, which existed in places such as Murcia until around 1300 and Crevillente until 1318, was rare and generally represented a transition stage (Guichard 1973). More common was direct Christian rule, which could take as many forms as there were types of lords: kings, secular and ecclesiastical magnates, municipalities, and even burgesses or lesser nobles owning lands with no more than seven or eight Muslim vassals, all could be lords of Mudejars. Analytically, these types of lordship are generally divided into two overlapping but significantly different categories: royal and non-royal.

These categories overlapped because legally the king was lord of all Mudejars (as of all Jews) in the sense that he reserved the right to jurisdiction over them and generally collected some tax from them. Throughout the peninsula Muslims were the 'treasure' of kings and under royal protection (Boswell 1977). In a number of these regions, however, that jurisdiction became increasingly theoretical. Aragón again provides a good example. In the immediate wake of the reconquest, Aragonese monarchs found themselves in direct control of extensive lands populated with Mudejars as well as Christians. Over the course of the thirteenth and fourteenth centuries, however, kings in need of ever greater revenues alienated more and more of their rights over these lands. By the fifteenth century the only Muslim populations still under the direct lordship of the Crown were those in the large towns (Daroca, Calatayud, Zaragoza, etc.), while most rural Mudejars, who constituted the majority of Muslims, had slipped under the control of noble houses such as the Luna and the Urrea (García Marco 1993: 113).

This shift, coupled with the largely rural distribution of Muslim populations in Christian Iberia, gave Mudejars a proverbial importance in the seigneurial economies of regions such as Aragon, Valencia, and Murcia: 'huerta que cava un moro vale un tesoro'; 'El que tiene moro tiene oro' ('a field dug by a Muslim is worth a treasure');

‘he who has Muslims has gold’). Muslim came to represent the ideal peasant, an industrious tenant-farmer who could be relied upon to fulfill his obligations uncomplainingly. In this sense the Mudejar was not ‘marginal’: he was fully integrated into the seigneurial system, even to the extent of fighting alongside Christians in feuds and skirmishes with the forces of rival lords (Nirenberg 1996: 34–5). In exchange, lords tended to safeguard the religious rights of their Muslim subjects. Some even commissioned translations of Muslim law codes so as to judge Mudejars under the *Shari‘a* (e.g. Barcelò Torres 1989). More effectively than kings were able to do with their urban Mudejars, lords protected their rural Muslims from ecclesiastical initiatives of segregation (such as the wearing of distinctive badges or hair styles) and of religious repression (such as bans on the call to prayer). Later, in the Morisco period, some of these lords would be so fierce in their defense of their formerly Mudejar labor force as to attract the attention of the Inquisition. The point here is simply that the Mudejars’ importance in the seigneurial agrarian economy helped to ensure that their religious rights were respected, and lent them a broader base of support than that enjoyed by that other Iberian religious minority, the Jews.

Most Mudejars were farmers on a small to medium scale (Ledesma Rubio 1981). A significant number were artisans and craftsmen. As such, Mudejars tended to specialize in particular trades, though exactly what these were varied according to region. In Valencia, for example, Mudejars dominated the pottery trade (Amigues 1992), in Murcia they played a vital role in transport, while in Aragón Muslims were particularly prominent in metalwork and construction. It has often been argued that in areas where it occurred, this specialization encouraged toleration by reducing competition between members of religious groups while preserving a vital economic role for minorities. The importance of this economic basis for *convivencia* is real, though it can be overstated. There were regions, such as Castile, where Mudejars never dominated any particular niche (Molénat 1994). Where they did, their preponderance was seldom such as to preclude significant competition from Christians: witness the conflicts between Muslim and Christian potters in Valencia. When Muslims did achieve a *de facto* monopoly, as among the blacksmiths of Daroca (Aragón), that monopoly itself could become the occasion for very significant friction.

It remains true, however, that Mudejar prosperity was very much rooted in these trades, from which many of the most prominent Muslim families emerged. The history of the Bellví clan, a Castilian Mudejar family that moved to the Crown of Aragón, provides an excellent example. Faraig, the founder of the dynasty, was a veterinarian. Medieval veterinary medicine was primarily concerned with the care of horses and was so closely related to blacksmithing that at times the two professions shared a common guild. Not surprisingly then, Mudejars achieved some prominence within the field. Faraig was one of these, becoming veterinarian to the royal household in the fourteenth century. Through such service, Faraig and his descendants became rich and gained important offices, such as *qāḍī* general (chief judge) of all Muslims in the Crown of Aragon. But such examples tell us more about the role of the royal household in creating minority elites than they do about monopoly and the economics of *convivencia*. There were a number of important Muslim veterinarians in medieval Iberia, but they never constituted a monopoly or even a majority of the profession. Faraig’s success owed as much to the king’s tendency to treat minorities in his household as representatives of their communities

(as occasionally he treated his Jewish physicians) as it did to a Mudejar tradition of veterinary practice (Cifuentes 1998: 12).

The Bellvís example of economic and political prominence achieved through trades points to an important characteristic of Mudejar society: its relative lack of stratification. In general, the aristocracy of surrendering Muslim kingdoms had rejected Mudejarism. Some, like Ibn Maḥfūz, the ruler of Niebla, emigrated to Marrakesh after a brief period of vassalage under Alfonso X of Castile. Others converted to Christianity, the son of the Muslim king of Mallorca, for example, adopting the name Jaime de Gotor and marrying into the Aragonese noble house of Luna. Whatever the reason, few members of the Muslim military, religious, and cultural elite remained behind in lands conquered by the Christians. The result was a society that was remarkably flat. The precipices of privilege that separated a Faraig de Bellvís from the poorest Mudejar were far less dizzying than the corresponding differences in Christian or Jewish society. This does not mean that Mudejar society was any the less conflictual than these others: the clan-based factional conflict that was endemic to Mudejar society was if anything more violent than the ‘class’ struggle so evident among Iberian Jews (Meyerson 1991: 247). It does mean that Mudejar society lacked the economic and political resources to generate the types of literary and artistic cultures which tend to spring up around the patronage of the powerful.

MUDEJAR CULTURE: A HISTORY OF DECLINE?

It is against this background of a largely agricultural and artisanal population, often living scattered among Christians and subjected to pressures of acculturation, dependent on Christian lords for the maintenance of the privileges necessary to follow their own religion, that we must read the judgments on mudejarism pronounced by Muslims living in Islamic lands, for whom submission to Christian jurisdiction was associated with cultural vulnerability, corruption, and decline. The most often cited of these writers is the fifteenth-century North African jurist al-Wansharīṣī, whose opinion of the Mudejar was not ambivalent: ‘his residence is manifest proof of his vile and base spirit’. ‘To exalt Christian and diminish Muslim authority is a great and disastrous ruination . . . and he who does this is on the border of infidelity.’ The late fourteenth-century mufti (and emigrant from Christian Iberia?) Ibn Miqlash illustrated this cultural vulnerability in an unusual passage which depicts the fate of Islam under Christian rule in sexual terms. The Mudejar, he claimed, mingled with worshipers of idols and lost his zeal. His wife depended upon (and was therefore sexually vulnerable to) his Christian lord. What fate could be worse, he asked, than that of one without zeal, either for his religion or for his wife! (Buzineb 1988: 59, 63).

Most jurists were less vivid. They stressed, not the debasement of the Mudejar’s wife, but that of his religious and legal culture. By demonstrating that Mudejars were deficient in legal culture as defined by the Maliki scholars, these jurists argued that they were less than full Muslims. As early as the twelfth century no less an authority than Ibn Rushd (Averroes) ruled that Mudejars were of ‘suspect credibility, their testimony in court cannot be accepted and they cannot be allowed to lead prayer’. The legal authority of the Mudejar scholars was doubtful, they asserted, because Mudejar judges were appointed by infidels and because they were ignorant,

an ignorance which became something of a topos in the writings of North African and Granadan jurists.

There were, of course, among Maliki jurists less extreme opinions on the Mudejar question than those I have quoted (and it is to borne in mind that the Maliki school was the most uncompromising on the issue of Muslim minorities living in non-Islamic polities) (Abou el Fadl 1994). I have dwelt on these more rigorous expressions because they provide a clear example of how a jurisdictional classification could translate into a cultural identity. The problem of Muslims who willingly and permanently resided in the lands of Christian enemies, and who by their labors directly supported these enemies in their long and successful war against Islamic polities, forced jurists to confront the question of what constituted a Muslim, and to use the ensuing characteristics, which they presented as normative, to distinguish the particular, corrupt nature of Mudejar Islam.

These jurists approached the corrupting effects of mudejarism through two quite different logics. The first was strictly jurisdictional: the Islamic life could not be fulfilled under Christian rule. How could one follow Muslim law if the scholars, judges, and officials were appointed by Christian authorities? How, without a Muslim head of state to pay it to, could one fulfill the obligation to pay *zakāt*? The second approach was more explicitly cultural. Al-Wansharīsī again, echoing Ibn Rabīʿ:

One has to beware of the pervasive effect of their [the Christians'] way of life, their language, their dress, their objectionable habits, and influence on people living with them over a long period of time, as has occurred in the case of the inhabitants of 'Abulla' and other places, for they have lost their Arabic, and when the Arabic language dies out, so does devotion to it, and there is a consequential neglect of worship as expressed in words in all its richness and outstanding virtues.

(Harvey 1990: 58)

According to this model, the vital Islamic nature of Mudejar culture could be evaluated by measuring it against certain cultural markers drawn from the normative Islam of more central Muslim lands: language, legal procedure, dress, ritual, and custom. Ridicule of Mudejar Arabic was one very common strategy within this framework. Criticism of Mudejar legal knowledge was another, as when a Mudejar emigrant to Oran claimed, toward the end of the fourteenth century, that among Mudejars innovation (*al-bid'a*) has 'extinguished the light of Muslim law' (Buzineb 1988: 65, lines 1–2).

MODERN APPROACHES TO MUDEJAR CULTURE: THE CONSERVATIONISTS

Modern approaches to Mudejar culture are in some ways strikingly similar to those of these medieval Muslim commentators. Like them, historians and philologists have tended to think of mudejarism as an impoverished culture in decline (Galán Sánchez 1991: 81–8). Indeed the first generation of modern scholars interested in Mudejar culture was composed of liberals who turned to the study of Mudejars expressly to show the corrupting cultural effects of intolerance, and who therefore

embraced a historiography of decline. They differed from medieval Islamic commentators in that they positively valorized Mudejar culture: scholars such as Ticknor and Gayangos pointed to Aljamiado literature like the *Poema de Yusuf* in order to stress the persistence of lyrical sensibility and literary genius among the Mudejars. But like their distant predecessors, they presented their story of the weakening of Arabic as a teleological narrative of cultural destruction in which the creation of Aljamiado was a desperate effort on the part of a community under ever-increasing assimilative pressure to maintain access, no matter how impoverished, to its religious traditions.

Most later scholars have adhered to this paradigm. On the one hand they have sought to measure Mudejar culture against what they consider to be normative Islamic practice, a methodology that almost always finds the former wanting. On the other they have stressed that, to whatever extent that Mudejar practice conforms to the normative, it represents a ‘courageous and stubborn defense’ of Islamic identity (Harvey 1990: xi). Replication of a normative standard is here the ideal, and the Mudejar achievement consists in preserving from cultural encroachment as much of that original practice as possible: what I term the conservationist approach.

The contributions of this approach to the study of mudejarism have been enormous. Consider the question alluded to above: just how much Arabic did Mudejars know, and to what extent can their knowledge of the language serve as an index of acculturation? Until recently there was common agreement that by the fourteenth century only Mudejars in the most densely Islamic areas such as Valencia preserved a knowledge of spoken and written Arabic. In the rest of the peninsula, it was supposed, a shrinking religious elite struggled to retain Arabic as a written language, while the rest of the community became monolingual in the local romance dialect. Finally, in the late fourteenth century according to some, in the mid-fifteenth according to most, the exhaustion of Mudejar Arabic even among the elite led to the rise of Aljamiado as a replacement, its alphabet a superficial remnant of the holy language of the *Qur’ān*.

The past two decades of scholarship suggest that such a narrative does not do justice to the complexities of Mudejar bilingualism. Increasing attention to distinctions between spoken and written language, to class difference, to local and jurisdictional variation, and to genre, has made clear that Mudejars conserved a great deal more Arabic than was previously suspected. The evidence, of course, is haphazard. For example, an Aragonese student’s letter (in Arabic) to his former teacher complaining that a Navarrese Mudejar had failed to send him copies of some Arabic sermons suggests that Navarrese Muslims still heard sermons in that language. (Whether they understood them or not is a different question.) That same student also told his teacher that he was up day and night studying the *Qanūn* of Avicenna, a devilishly difficult text to find ‘highly acculturated’ Muslims of Zaragoza reading in 1495 (Hoenerbach 1965: 345–8). Even in Ávila, which may be the city identified by al-Wansharīsi and Ibn Rabī’ as a place where Arabic had been utterly lost, we find *faqīhs* (Tapia Sánchez 1991: 55). One fifteenth-century scholar from the town issued a *fatwa* in Arabic about the legitimacy of praying upon animal skins. The document was also signed in Arabic by the *faqīhs* of Burgos and Valladolid, both Castilian towns with Muslim communities considered highly acculturated (Harvey 1990: 62–3).

Given the conservatism of legal culture, it is perhaps not surprising that notarial practice is one of the best preserved domains of Mudejar Arabic. To draw again upon the example of long reconquered Navarre, there is continuous evidence into the sixteenth century of Mudejar scribes there producing legal documents in Arabic (García-Arenal 1984: 36). This was a privilege Mudejars were willing to pay for, as when the Muslims of Fraga in the late fourteenth century bought a royal charter declaring Arabic their exclusive legal language. Notarial practice also makes it clear that when Muslim notaries turned to Aljamiado, it was not necessarily because they lacked a solid knowledge of written Arabic. Notaries might draw up a contract in Aljamiado rather than in Arabic because the local lord required it. Sometimes *faqīhs* tell us that they provided a document in Arabic, with a copy in Aljamiado at the request of and for the personal (i.e. non-legal) use of the client. And we can even see that some itinerant notaries would provide only Arabic documents in one village, and only Aljamiado ones in another (Miller, personal communication). Was this the result of the relative Arabic literacy of the communities? Of local seigneurial demands or customs? Or of rights specific to a given population?

It has become possible to ask these and many other questions only as recent scholarship has created what can justly be called a field of Mudejar Arabic. Its practitioners, moved by the pathos of what they perceive to be a nearly extinct Mudejar textual culture, have recovered precious examples of a vanishing species. Much the same is true of work in jurisprudence, and here too the result is a renewed respect for Mudejar conservation of textual competence. A considerable number of Mudejar legal documents survive, both in Arabic and in Aljamiado: inheritance stipulations, marriage arrangements, apprenticeship agreements, designations of procurators; in short, the entire formal apparatus of contract. These contracts were carefully regulated by Muslim law, and a number of influential formularies, called *wathā'iq* manuals, stipulated the form they should take if they were to comply with that law. That same student whose letter was quoted earlier apologized to his teacher for not being able to forward him a copy of one such manual, by al-Djazīrī, because he had left the manuscript behind in his home town. Reading Mudejar documents against such formularies thus seems to offer a good diagnostic of Mudejar knowledge. To the extent that Mudejar documents differed from the norm, whether in formal structure, in the language they employed (i.e., Aljamiado rather than Arabic), or even in handwriting quality, one could posit a loss of notarial expertise indicative of cultural decline or mixture.

This philological methodology continues to offer fascinating results. For example, discussing an Arabic document from 1451 in which an Aragonese Mudejar community designates a procurator, Alfonso Carmona shows that the redactor of the document adheres quite strictly to classical tenth- and eleventh-century manuals, and also has access to later and more detailed manuals from the twelfth and thirteenth centuries. At the same time, Carmona marks the several deviations and omissions of the document, not so much as signs of cultural decline, but as adaptations to the Christian institutional and juridical systems within which Mudejar communities functioned. The scribe, for example, inserted some Aljamiado lines into the Arabic document, not because he did not know Arabic but because these were clauses drawn from and necessary within the Aragonese notarial tradition, though alien to the Andalusī one. In a more complicated case, Carmona shows how the desire

of some Mudejars to follow Castilian rather than Andalusi dowry custom resulted in notarial attempts to adapt the Arabic formulaic tradition in ways which did not explicitly violate Muslim law (Carmona González 1993; Carmona González 1992).

These contributions, and others like them, provide us with a new sense of the vibrancy and creativity of Mudejar textual production. Nevertheless throughout Mudejar studies, the emphasis remains less on how or why Mudejars wrote what they wrote and more on the rudimentary, impoverished, and mimetic nature of Mudejar manuscript production. Put more abstractly, many mudejarists, and especially those dealing with the Arabic sources, measure Mudejar culture against an imagined normative Islam. Replication is here the ideal, and difference or adaptation is seen as symptomatic of acculturation and decline.

ALTERNATIVE STRATEGIES: MUDEJARISM AS A LOCAL ISLAM

The same types of sources can be exploited to quite different effect, in part by exchanging the 'normative' optic for a more 'local' one. Put crudely, scholars of Islam have tended to divide into two camps. On the one hand there were those interested in local forms of religion, primarily anthropologists, who focussed on religious practices that they believed made a particular local group distinctive, rather than on those which that group shared with other Muslims. Islamists, on the other hand, tended to focus on texts and their interpretation, not on local religious practice. With their text-critical and philological approach, the latter ask 'where does this text come from? how do its terms and ideas relate to the canonical Islamic textual tradition?' The ethnographers' questions are somewhat different: 'how do (or did, in the case of a historical ethnographer) people understand, debate, or apply the text?' Islamists generally presume a 'conceptual and normative core to Islam (containing, of course, several different schools and positions) that, adequately understood, could stand for the religion as a whole'. Ethnographers, on the other hand, while they have often been willing to grant the existence of such a normative core, tend to ignore it in their own work, preferring to focus on the distinctively local (Bowen 1993: 5–8).

Since its rise in the 1960s under the able stewardship of Clifford Geertz, the study of 'local Islams' has become tremendously influential in Islamic anthropology, but has not made much of an impact on the treatment of historical Islam. There are at least two reasons for this. First, it was not primarily concerned with questions about the social production of texts, questions which are central to historians, whose primary sources are largely textual. And second, the insistence on a 'multiplicity' of local Islams ignored the sense of many Muslims across diverse cultures and historical periods that there was indeed an 'external, normative, reference point for their ideas and practices'. In other words, fleeing from the universalism of the Islamists (who in turn are adopting the universalist claims of the texts they study), these ethnographers tended excessively toward particularism (Miller 1998: 12).

Increasingly, however, students of modern Islams have begun to focus on the tension between local practice and prescriptive textual norms as a central part of Muslim experience, and explored this tension through studies of how texts and traditions are produced, read, and debated. In particular, they focus on the role of 'culture brokers' within local institutions and on the religious discourse produced

by these intermediaries. In the Mudejar field Kathryn Miller's recent work makes clear the value of such an approach. It draws heavily upon a cache of Arabic and Aljamiado documents discovered in the nineteenth century in the walls of a house in the Aragonese village of Almonacid in order to reconstruct the role of the Mudejar *faqīh* in the creation of an identity that is simultaneously resolutely Islamic and yet also aware of its deviations from the normative. In addressing this documentation, Miller invokes an admonition of the Comaroffs: 'if texts are to be more than literary topoi, scattered shards from which we preserve worlds, they have to be anchored in the processes of their production, in the orbits of connections and influences that give them life and force' (Comaroff and Comaroff 1992: 34). She focuses, first, on a reconstruction of the textual world created by the Mudejar *faqīhs*. What texts did they have available? How, in a society predating inter-library loan and far from traditional centers of Arabic manuscript production, did the *faqīhs* set about gathering the textual infrastructure necessary to their legal practice? Thus far the project is not very dissimilar to that of the 'conservationists' (cf. e.g., Carmona González 1993 or Albarracín Navarro 1994). The difference lies in Miller's goal, which is not so much the description or evaluation of the surviving corpus of Mudejar Arabic material as an understanding of the practices of the little-studied group that produced it, the Mudejar scholarly community (the phrase is not an oxymoron).

There can be no doubt that most of these Mudejar scholars felt that theirs was a culture in decline, one whose standards were failing. 'Because of the distance of our dwelling places and our separation from our coreligionists, no one is studying or writing. . . .' Such laments were common coin among Mudejar scholars, and marked an awareness of the gap they perceived between their practice and what they took to be normative. Nevertheless, Mudejar *faqīhs* and notaries continued to produce Arabic legal materials, including collections of *fatwas*, notarial manuals, and contracts of all sorts (Konigsveld 1992). And while they frequently deferred to North African jurists and submitted legal questions to them, they were also perfectly capable of insisting on their own abilities. In one letter, for example, Miller presents us with a Mudejar *faqīh* named Aḥmad al-Zawārī, who complains that he has been slandered as ignorant by some Muslim captives returning to the House of Islam. Al-Zawārī insists that this is a case of mistaken identity, and that he is 'a learned *faqīh* and a knowledgeable one, clinging to the book of God'.

Miller's point is that when we combine these traces of Mudejar bibliophilia with some of their surviving notarial production, we begin to have a sense of how the Mudejar learned classes authorized their scribal practice through constant reference to what they considered to be normative Islamic legal and textual traditions. Further, this scribal production can be contextualized within the particular structures of Christian domination experienced by Mudejars, both by studying the treatment of Arabic documents ('cartas moriscas') in Christian courts, and by following the careers of Mudejar officials through Christian archival documentation. In Calatayud (Aragón), for example, fifteenth-century notarial records can supply a wealth of information about the networks of patronage, kinship, and power within which Mudejar *faqīhs* functioned. When she has finished joining these notarial sources, recently studied by F. García Marco, to the surviving products of Mudejar scribes, Miller will have brought us a great deal closer to an understanding of how the Mudejars maintained a textual practice which they recognized as Islamic (Miller 1998).

DEFENDING ISLAM IN THE HOUSE OF WAR

Textual practice was not the only marker of Islamic identity that required defense and translation in a Mudejar world. We have already seen how the Maliki *faqīhs* insisted that Christian domination led to the degradation of a number of specific and indispensable markers of Muslim identity: Arabic, adherence to Qur'anic punishments (*ḥudūd*), inaccessibility of Muslim women to non-Muslim men. To these we might add, as North African muftis did, the inability to identify the start of *Ramaḍān*, to leave Christian lands on pilgrimage, or to fulfill the obligation of paying *zakāt*, all crucial obligations of the believer according to Muslim law. Given that many of these practices did in fact decline, how did the Mudejars mark new boundaries that they found adequate to a Muslim identity and imbue them with Islamic significance?

For some of these obligations the process is fairly straightforward. Mudejars, for example, tended to replace *zakāt* (which required a Muslim polity) with *ṣaḍaqa*, charity, and specifically with alms for the redemption of enslaved or captive Muslims. By the Morisco period we even find some North African muftis advocating this solution (Buzineb 1988: 60; Cantineau 1923). Other boundaries required more than reclassification to remain recognizable. Perhaps the one whose defense exacted the heaviest toll was that between Muslim women and non-Muslim men. Recall the words of Ibn Miqlash about Mudejars, whom he claimed cared neither for their religion nor for the sexual inviolability of their wives. The argument that under Christian lords Mudejars could not protect Muslim women from sexual advances by non-Muslims was often made by Granadan and North African jurists. Al-Wansharīsī even mentions the princess Zayda, who converted to Christianity and married Alfonso VI after the fall of Toledo. Without the power to enforce Islamic legal prohibitions on intercourse between Muslim women and non-Muslim men, or to punish transgression with Koranic (*ḥudūd*) punishments, how could Mudejars maintain this essential boundary?

This was not a theoretical issue. Christian archives contain references to thousands of Mudejar women engaged in sexual relations with Christians and Jews. But these references are the result, less of cultural erosion than of new ways of maintaining boundaries deemed essential. Again and again Mudejar communities purchased privileges allowing them to put to death Muslim women accused of adultery or interfaith sex, though the *ḥudūd* punishment was necessarily commuted to the social death of enslavement to the Crown. Again and again Mudejar fathers accused their own and their neighbors' wives and daughters of transgressing these boundaries, and delivered them up for punishment. The Christian nature of the records that document the legal consequences of these actions should not obscure the fact that behind them lie Muslim communities and Muslim individuals translating Islamic legal prescriptions into Mudejar idioms (cf. Nirenberg 1996: 139).

Just as the risk to Muslim women in the House of War stimulated a heightened awareness of the boundary-marking role of women on the part of Mudejars, so the possibility of conversion prompted a heightened sensitivity to markers of religious identity. Consider the case of Juan de Granada. He was born a Mudejar, Mahoma Joffre, in Aragón in the mid-fifteenth century. An orphan at the age of twelve or thirteen, he left his village and went to Valencia, where he converted to Christianity and joined a military troop on its way to fight on the Granadan frontier. But he soon

abandoned the troop and settled in Granada, where he lived for two years begging alms. In Granada he behaved as a Muslim, fasting during *Ramaḍān*, etc. (though he told inquisitors that he would break his fast secretly outside the walls, since his heart remained Christian). After some time he left Granada and tried to re-enter Christian lands, but was turned away from the frontier by Muslim guards who suspected that he was a *tornadiz*, a convert to Christianity. Finally he managed to find a Christian troop on the frontier, asked for baptism, and became a Christian once more, serving the captain of the troop for four years. After that time, he decided to return to his village in Aragón as a Muslim, where he lived for several years before a traveller recognized him and denounced him to the Inquisition. Every stage of this itinerary offers evidence of the acts of discrimination and discernment by which Muslims (and Christians) established religious identity in a society where the stability of that identity could not be taken for granted. For our purposes the most interesting example comes from Juan/Mahoma's Mudejar relatives. Because Mahoma's long absence made him suspect, his cousins repeatedly interrogated him about his religion. Over the years that followed they observed his behavior closely: dress, attendance at mosque, form of prayer, and fasting during *Ramaḍān*, in particular. And they suspected him, because he drank too much wine (Ledesma Rubio 1994: 63–103).

Here, as in the previous example about Muslim women, we see the responsibility for recognizing Islam and maintaining its boundaries devolving upon the individual Mudejar. If we cannot speak broadly of a late Mudejar shift of focus from *fard kifāya*, collective duties, to *fard 'ayn*, individual obligations, we can at least suggest a process of devolution by which the individual took increasing responsibility for patrolling the boundaries of Islam. This process was, I believe, one of the most characteristic aspects of Mudejar Islam, and crucial to the production of an identity that simultaneously recognized its 'decline' yet resolutely insisted on its Muslim identity. From this perspective, much of what the North African jurists bemoaned as decline can instead be interpreted as dynamism. Consider as an example the rise of Aljamiado. From the point of view of 'class', it could equally well be studied as an example of the expansion of Islamic learning among Mudejars as of its contraction. The fact that the particular conditions in Iberia made it possible to justify an extensive practice of glossing and translation may have meant that knowledge which in more central Islamic lands was increasingly restricted to the 'learned class', the *ulamā*, in Iberia penetrated further into the 'popular' or 'ignorant' classes.

The unusually fertile field of Mudejar religious polemic may constitute evidence for this process. Beginning with Ibn Ḥazm (994–1064), Iberian Muslims seem more concerned with polemic against Christianity and Judaism than Muslims in more central lands, and this becomes increasingly true as the so-called reconquest continues. One may even speak of a tradition of polemical texts produced in Christian Spain by captives from Granada and North Africa, and circulated, glossed, and translated among Mudejars for hundreds of years. A particularly fascinating example by Muḥammad al-Qaysī, a captive in the Crown of Aragon in the early fourteenth century, has recently been published from MS. 1557 of the National Library of Algiers (Koningsveld and Wiegers 1994). Al-Qaysī offers a moving description of the cultural effects of captivity, including the claim that his soul had betrayed him and his interior and exterior had become un-Arabic. But what is relevant to my point here is that al-Qaysī also provides the text of what he claims was his

disputation with a priest in the presence of the king of Aragón. Entitled ‘the Key of Religion [*Kitāb Miftāḥ al-Dīn*], or the Disputation between Christians and Muslims’, the text was promptly translated in the first half of the fourteenth century into versions which survive in some four Aljamiado manuscripts. Al-Qaysī is not unique, nor is the Muslim–Christian frontier the only one polemically policed. We have, for example, a mid-fourteenth-century Arabic polemic written by a Mudejar against the Jews, the *Ta’yīd al-millāh*, or Defense of the Faith, which exists in multiple Arabic manuscripts. What is more, some manuscripts of this polemic contain extensive inter-linear glosses in Aljamiado, and a number of complete translations into that language, as well as several adaptations, survive (Nirenberg 1996: 196–8).

The multiple survivals of these polemics are very unusual for so fragmentary a record, and attest to their popularity. Moreover, of all genres, these were among the first to be glossed and translated, a process that was well under way already in the early fourteenth century. These translations were not for the *faqīhs*, who did not need them at this early date. It seems more likely that they were intended for the broader audience of Mudejars, to enable each to become, in this ‘land of polytheism’, a defender of his own faith.

It was partly through such a devolution, I would argue, that Mudejars managed to maintain a sense of the dynamism of their faith while at the same time presenting themselves as a community falling away from ideal Islam. We are oppressed and our knowledge is declining, we can imagine the Mudejars thinking, but at the local level we are heroically Islamic, we who must strive constantly to maintain our individual identities as Muslims. This productive tension between local and ‘normative’ is beautifully illustrated in a *fatwa* newly discovered by Kathryn Miller. It is written by al-Muwwāq, who was chief *qāḍī* of Granada in its final years. Responding to a question about how a Muslim should behave in the House of War, he replied by fusing, rather than opposing, the status of one learned in authoritative Islamic tradition with that of the individual struggling to make the discriminations necessary to maintain a Muslim identity among infidels. The individual Mudejar, he wrote, should ‘be a *faqīh* of himself’ (*faqīh al-naḥs*). ‘He teaches himself, and he should distinguish the good deed which presents itself from the bad one which befalls.’ These words are a useful antidote to al-Wansharīsi’s model of cultural corruption and to the modern historiography of decline, and a fitting characterization of the varieties of Mudejar experience (Miller 1998: 51, 57).

GLOSSARY

Aljamiado	romance written in Arabic characters
ḥudūd	Qur’anicly prescribed punishments for which there could be no mitigation
farḍ‘ayn	religious obligations incumbent upon each person individually
farḍ kifāya	religious obligations incumbent upon the community as a whole, but performable by a few on behalf of all
fatwa	a formal juridical opinion on a question of Muslim law
faqīh	a legal officer of Mudejar society, a scholar of Islamic law
imam	a leader of prayer, or more generally a respected and learned member of a Muslim community

Maliki scholars	followers of the legal school established by Imam Mālik b. Anas, whose doctrines were prevalent in Muslim Spain
Morisco	used, in later periods, to describe Muslims who had converted, or who had been converted, to Christianity
Mudejars	Iberian Muslims who by choice submitted themselves to Christian overlordship
Mufti	a legal scholar who gives a fatwa
ṣaḍaqa	voluntary donation of alms; charity
sharīʿa	Islamic law
qāḍī	judge
ulama	collective designation for Muslim scholars
zakāt	an obligatory charitable tax incumbent upon all Muslims and payable to the Muslim chief of state

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CHAPTER FIVE

HOW MANY MEDIEVAL EUROPEES? THE ‘PAGANS’ OF HUNGARY AND REGIONAL DIVERSITY IN CHRISTENDOM



Nora Berend

Central, Eastern, or East-Central Europe, as this multiplicity of possible denominations already shows, has long been searching for its identity. Leopold von Ranke, Friedrich Naumann, Istvan Bibó, Oscar Halecki, and historians and politicians after them have invented, discussed, rejected and analysed names, geographical limits and their meaning. *Zwischeneuropa*, *Mittleuropa* and a number of variations on the seemingly (and in this case misleadingly) straightforward geographical notions of ‘eastern’ and ‘central’ have been proposed (Schopflin and Wood 1989; Wandycz 1992; Eberhard *et al.* 1992; Le Rider 1994; Berend, Urbańczyk, Wiszewski 2013: 1–16). At stake is the political, economic and cultural relationship of the ‘East-Central European’ countries to Western Europe, indeed, to Europe. Coming to grips with the region’s medieval past is part of this search. Here the example of Hungary is used to explore this issue.

Hungary’s place in the medieval world, especially its status in relation to Western Europe, has been much debated in scholarship. Without reviewing them all, the example of some of the most influential statements concerning the nature of medieval Hungary (and the entire region) suffices to show how their authors speak of two or three medieval Europes. These theories assert both the unity of ‘Western Europe’ and the radical difference between ‘Western Europe’ and ‘East-Central Europe’. Thus for example Makkai has emphasized the ‘original characteristics’ of East-European feudalism both chronologically and structurally. He has argued that Hungarian developments differed from the West European model by a late start, and by different structures in the relations both between lords and their men, and between lords and peasants (Makkai 1970). For Jenő Szűcs, not two but three ‘historical regions’ existed: ‘Western Europe’, ‘Eastern Europe’ and an ‘in-between’ region, Central-Eastern Europe, which was sometimes drawn into the Western sphere, sometimes into the Eastern one (Szűcs 1983). In this analysis, although during the medieval period (especially after 1200) ‘Western Europe’ provided its model of development, the structural divergence of Central-Eastern Europe was significant enough to distinguish it as a separate region. Central-Eastern Europe was characterized, in Szűcs’s view, by hybrid structures incorporating Western and Eastern elements, by undeveloped vassalage, and by incomplete urbanization. Other historians have invoked

notions such as ‘backwardness’ or ‘between East and West’, in order to define the place of medieval Hungary in relation to Western Europe.

Two circumstances have distorted these comparisons: their lopsidedness, and sometimes the authors’ ideological agenda. First, actual Hungarian developments are being compared with a ‘Western Europe’ that is an abstraction. For instance, it is regularly asserted that Hungary ‘lagged behind’ Western Europe in terms both of urban development and of ‘feudalism’. Yet in neither respect did Western Europe itself develop in a unified way. Thus English planted towns, Italian city-states and French communes differed enormously from each other, while the securing of urban liberties followed different patterns and a different chronology even in southern and northern France. The observation that the Hungarian pattern did not conform to the ‘Western’ type of town development is therefore misleading. If what is being suggested is that in Hungary walled towns with urban liberties did not emerge according to the pattern of northern French communes, then neither did they in much of ‘Western Europe’ itself. Likewise, the notion that Hungary failed to experience full-blown ‘feudalism’, comprising a complex chain of vassalage and benefices granted in return for military service, has been advanced as part of the explanation of Hungarian ‘backwardness’. Yet the normative model of ‘feudalism’ as known to Makkai or Szűcs has been increasingly challenged (Brown 1974; Reynolds 1994), and hence cannot serve as a yardstick to measure ‘backwardness’. Second, in proposing that East-Central Europe (in the Middle Ages and beyond) belonged to the West, or the East, or neither, but rather followed some independent ‘third road’, scholars have often been influenced by ideological motivations. Modern and contemporary historical development has thus been projected onto the medieval past. The analysis of medieval Hungary’s status should not turn medieval regional differences into an explanation of the country’s modern backwardness and peripheral position. It still needs to be remembered that ‘the explanation of the more recent by the more remote has sometimes dominated our studies to the point of hypnosis’ (Bloch 1993: 85).¹

The incorporation of more eastern areas of Europe into the medieval world has made progress in twenty-first century scholarship. Previously, while local scholars searched for definitions of the region’s status in the medieval world, those working on, and in, modern Western Europe often tended either to ignore medieval (East-) Central European history or to separate it from ‘medieval history’.² In 1970, the ‘need for a new, less one-sided approach to European history’, that is, for the integration of East-Central European history into the treatment of medieval Europe, could be announced as a novelty (Barraclough 1970: 8). The *Atlas of Medieval Europe* was in fact largely an atlas of medieval Western Europe, in which East-Central Europe makes only an occasional appearance (MacKay and Ditchburn 1997); Robert Bartlett regarded Central Europe as simply copying a Western European blueprint (Bartlett 1993). All too often the region was treated according to the assumptions of modern power structures: as a periphery, and not as an integral part of Europe in the Middle Ages. Increasingly, however, textbooks incorporate all parts of Europe more systematically (e.g. Barber 2004), and books in western languages proliferate on individual parts and thematic aspects of the history of eastern and central parts of medieval Europe.

Hungary, like Bohemia and Poland, belonged to a medieval Latin Christendom, in which there were always important regional differences. But they cannot be

encapsulated, in the case of its eastern region, by a mechanical recourse to characterizing differences as symptoms of 'backwardness' or stunted development. Nor should 'East-Central Europe' be contrasted with 'West' and 'East' as one of three medieval Europes. Medieval Hungary, for example, resembled Scandinavia in some respects, and Iberia in others. A new synthesis will have to be based not on teleology but on comparative research to assess both the extent to which it is legitimate to speak of 'East-Central Europe' as an economic and social unit during the medieval period, and the role which countries that today constitute East-Central Europe played in the medieval world. This chapter addresses one aspect of regional difference: the presence and treatment of non-Christian populations. This is one indicator of Hungary's position in the medieval world.

* * *

The example of the 'pagan' Cumans in thirteenth-century Hungary provides a significant litmus test. The Cumans were not the only non-Catholic group living in medieval Hungary; there were Jews, Muslims, Armenians, Greek Orthodox, and 'heretics' as well. Yet the presence of Turkic nomads, understood to be 'pagans' by medieval Christians, most strikingly distinguished the Hungarian situation from that of France or England, and even that in Iberia or Sicily, and therefore reveals both regional diversity and similarity in Christendom the most sharply. As this case shows, Hungary was part of the Latin Christian world, but at the same time, its location on the frontier of Christendom resulted in a larger variety of influences, and the availability of a different range of choices and courses of action. Analysing the fortunes of 'pagans' in Hungary also raises the question of the applicability to medieval Hungary of the 'persecuting society' thesis (which links the emergence of persecution to the development of central lay and ecclesiastical authority, and to the exercise of power in Western Europe) (Moore 1987).

Hungary was on the frontier of Latin Christendom from the moment of its creation as a Christian kingdom in the tenth–eleventh centuries until well into the modern era. 'Frontier' is not meant to stand as a fashionable replacement for 'periphery'. It does not signify a dependent and 'underdeveloped' economy and society. Instead, it is used here to denote the meeting of different civilizations. Three spheres of influences, three worlds met here: Roman Christian, Byzantine and nomadic. The nature and relative impact of these influences on the kingdom changed over time. They ranged from acculturation to military confrontation, with Byzantine and nomadic influences fading in the later Middle Ages, the latter to be replaced by Islam and the Ottomans.

The Hungarian tribal alliance moved into the Carpathian basin in the late ninth century. Their economy and society was slowly transformed; from the late tenth century, the construction of royal power and Christianization brought the territory into the Latin Christian world, with a significant Byzantine presence constituted by converts to Orthodox Christianity especially in the eastern parts and by monasteries and communities throughout the territory. From the eleventh century, the kingdom of Hungary was structurally part of Latin Christendom, and at least its intellectual elite (that is, those who produced the written sources we possess) defined it as such. Its ecclesiastical structure of dioceses, headed by two archbishoprics, the form of kingship, and a variety of institutions were those of Latin Christendom. In this,

Hungary represented a regional pattern; it was one of the 'regnal communities' (Reynolds 1997: chapter 8) newly incorporated into Latin Christendom in the Scandinavian–East-Central European region in the tenth–eleventh centuries (Bartlett 1993; Gieysztor 1997; Samsonowicz 1998). Over the course of the Middle Ages an increasing number of institutions, social groups, and trends linked the kingdom to Latin Christian civilization, as demonstrated by the examples of the royal chancery, trained canon lawyers and saints' cults. Ideologies of legitimation also centered on Rome and the German Empire. Some of the ideological inventions were so powerful that to this day they continue to attract followers – as the story of St István (Stephen) of Hungary (1000/1–38) receiving his crown from the pope, for example, or the Virgin Mary as the kingdom's special protector. Some of the individuals who formulated these ideas were themselves of 'Western European' origin. Yet despite this structural conformity, Byzantine and nomad influences meant the presence of groups and trends that one would search for in vain in England or France. I shall not discuss Byzantine influence over Hungary (Moravcsik 1970), but shall instead concentrate on the impact of the nomads, and especially the Cumans.

Hungary, on the frontier of Christendom, constantly encountered and integrated groups arriving from the world of the steppe. Turkic nomads – Pechenegs, Oghuz, Cumans, and Mongols – raided the kingdom. Chronicle accounts relate many of these events, always emphasizing the suddenness of the attacks, and the looting and destruction carried out by the enemy (e.g. Szentpétery 1937: 366–71, 412–14). Other groups of Pechenegs, Oghuz and Cumans settled in the country. Narrative sources show Hungarian kings fighting against invaders, and welcoming the settlers. Thus the early twelfth-century *Life of St István* juxtaposes two stories about the king's relations with the Pechenegs. One attributes the saving of the people in a region of Transylvania to a divine vision which forewarned King István about a Pecheneg raid, so that he could alert the population to the danger and gather them in a walled city. The other tells of Pechenegs who went to Hungary attracted by István's wisdom; they were attacked and despoiled of their goods. On István's order, the guilty parties were arrested and hanged on trees along the roads, because he wished the kingdom to be open to all foreigners who entered peacefully (Szentpétery 1938: 423, 425–7).

The relationship of Hungary and the Cumans conformed to this pattern of raids and settlement. Because it is better documented, both from narrative sources and from archeological evidence, and because the Cumans gained an importance within the kingdom that far exceeded that of previous nomad groups there, it is best to focus on their example (Pálóczi-Horváth 1989).³ The Cumans were part of a tribal confederation that became the major power on the steppe from around the mid-eleventh century (Golden 1992; 1995–7). They fought and formed alliances with Byzantium, Rus princes, and the Crusader states created in Byzantine territory after the Fourth Crusade. After Mongol victories over the Cumans, several clans, under the leadership of a chieftain named Köten, asked for and received permission to settle in Hungary.

The entry of the Cumans was fraught with tension. In the short period prior to the Mongol invasion of 1241, the Cumans clashed with the local population over land-use, and with the nobility, who (rightly) suspected the king of intending to use the newcomers in order to strengthen royal power at their expense. When the Mongol armies reached the kingdom, the local population took the recently admitted

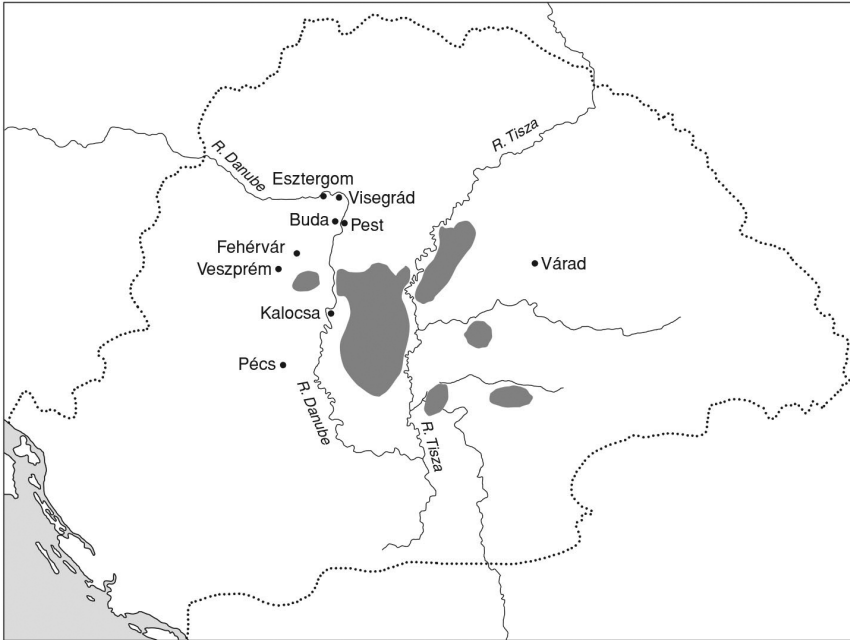


Figure 5.1 Map of medieval kingdom of Hungary showing areas of Cuman settlement.

Cumans to be Mongol spies; after a massacre in which Köten and his family died, the Cumans left Hungary. After the Mongol invasion, King Béla IV (1235–70) invited the Cumans back. They returned and were settled.

The Cumans' most important function in late thirteenth-century Hungary was as light cavalry in the royal army. The king led them in numerous expeditions against neighboring countries. Most notably, they played an important part in the battle of Rudolf of Habsburg against Ottokar II of Bohemia (1278): here King László IV (1272–90) of Hungary, with a large Cuman contingent in his army, fought on Rudolf's side. This military role in foreign affairs was supplemented by the kings' reliance on them to counterbalance the growing independent power of the nobility. László IV ('the Cuman') tried to exploit this possibility to its fullest extent. In an age when the most powerful members of the nobility were carving out territorial power for themselves, László increasingly associated himself with the Cumans, creating a bodyguard from them, and adopting Cuman dress and hairstyle. He attempted to resist demands for their forcible Christianization. Prelates added their protest to that of the nobility, and papal intervention forced László to obey. Even he could not completely disengage himself from the structures imposed on a Christian king, and this finally turned the Cumans against him.

Royal policy towards the Cumans was determined by their political and military importance. The main reason for the invitation to settle and for continued royal favors was the military support the kings hoped to gain from the Cumans. Thus the most important aim was to secure Cuman loyalty by a variety of means. After the second entry of the Cumans, King Béla IV married his son István to the daughter

(baptized Elizabeth) of a Cuman chieftain. When István V (1270–2) ascended the throne, Elizabeth became queen of Hungary; after István's death, she was regent during the minority of her son, László IV. Gifts of land, precious clothes and other objects were intended to ensure continued Cuman support, especially during the civil war between Béla IV and István, when both sides tried to gain Cuman backing. István took the title 'Dominus Cumanorum', certainly by 1262, and became their highest judge. Upon István's enthronement after Béla IV's death the Cumans came directly under the power of the king of Hungary. The highest official in the kingdom after the monarch, the count palatine, became the judge of the Cumans. They had recourse to the king for appeals. They were exempt from the jurisdiction of county officials, and constituted an *universitas*, with its own representatives. The legal status of the Cumans very much fitted into the pattern of privileges granted by kings to various immigrant groups and cities. The Cumans even participated in some of the early general assemblies of the kingdom, the precursors of its parliament.

From the start, the king also aimed at the conversion of the Cumans. Prior to their settlement in Hungary, missionaries had tried to convert the Cumans living in the regions to the east of the kingdom. Béla, then heir to the throne, already supported these missions, and attended the baptism of some chiefs. As King Béla IV, he continued to support the missionaries. He presented the admission of the Cumans into the kingdom as gaining new souls for Christendom, and exulted over the successes of baptism (Theiner 1859: 231, 233; Fejér 1829–44: vol. 4, pt. 3: 30–3). Having reported the complete success of Christianization, that is, the conversion of all the Cumans, King Béla found them lending support to the rebellion of his son István. Béla then described the progress of their Christianization in a much less enthusiastic manner, complaining about continuing 'pagan' customs. Although Béla's expressed views on the state of Cuman conversion were linked to his political interests, his belated awareness of the difference between baptism and conversion reflects a wider pattern repeated again and again when a large population was Christianized (Theiner 1859: 269–70; Fletcher 1997). The response to it was a hardening of ecclesiastical attitudes: less and less choice was given to the Cumans, as a 'true' conversion was to be forced on them.

During the reign of László IV, a papal legate dictated the conditions to which the Cumans had to adapt or be expelled from the kingdom. The 'Cuman law' of 1279 shows what the ecclesiastical minimum was for the acceptance of a 'pagan' population (Theiner 1859: 339–41). The law required all the Cumans to convert and accept ecclesiastical teaching and the sacraments. They were to abandon the adoration of idols and their pagan rituals. They were also to give up living in tents, and move into houses in villages, and keep Christian customs. They were to cease killing, especially Christians. The Cumans also had to relinquish every church, monastery, and ecclesiastical or lay property that they had occupied. Appointed investigators were to ensure that the Cuman clans kept these laws. If they did not conform in all the ways stipulated above, they would be subject to both ecclesiastical and temporal punishment. Finally, the Cumans had to give hostages to the king in order to ensure their obedience.

The Cuman law of 1279 set out to change a number of real or alleged characteristics of the Cumans. From a modern viewpoint, these can be divided into two main groups: those addressing strictly religious issues and those attempting to change

other aspects of Cuman lifestyle. In the first category is the stipulation of baptism, obedience to the Church, and renunciation of pagan practices. In the second is the issue of permanent settlement, and the injunctions to refrain from killing and looting within the kingdom. In the text itself, however, all of these requirements were described as conforming to 'Christian' ways. To give up their tents and settle in houses is to live *Christiano more* ('according to Christian custom'); special emphasis is placed on the prohibition against killing Christians. The text itself and subsequent papal letters show that the law was not simply forced on the Cumans; negotiation preceded its promulgation. Two representatives of the Cumans (mentioned by name in the Cuman law), the king and the papal legate came to an agreement. Doubtless, the legate was unwilling to compromise on certain topics, but he did for example allow the Cumans to retain their traditional hairstyle. This resembled ecclesiastical attitudes to other newly converted peoples, or those who were thought to be open to conversion: for example Bulgarians or Mongols (Sullivan 1994; Muldoon 1979).

The Christianization and settlement of the Cumans was a lengthy process. Cuman resistance and revolt in 1280 and 1282 forced King László IV to wage war against them. The resilience of customs and beliefs, even without open resistance, meant that Christianization took over a century to accomplish; Cuman graves of the fourteenth century still contained objects associated with traditional religious practices, such as horse-teeth, certain plants, and iron knives. During the fourteenth century, the stock of Cuman names changed from the traditional Turkic to new Christian forms; Christian names outnumbered Turkic ones only in the last third of that century. Some Cuman villages had no church until the fifteenth century. Final settlement was also gradual. The Cumans had to give up nomadism upon their entry to the kingdom, as the available territories were not sufficiently extensive to allow it. The establishment of fixed permanent settlements, however, was not instantaneous. Archeological excavations attest to their development. Already in the late thirteenth century some groups established permanent settlements and cemeteries on the sites of Hungarian villages ruined during the Mongol invasions. Other groups had winter settlements but still moved around with tents within a limited territory. By the fifteenth century, all the Cumans were permanently settled in villages whose structures corresponded to those of the local population, and were Christianized.

The story of 'pagan' Cuman immigration is so singular within a medieval Christian context that it has been linked to explanations according to which Hungarian society, or its king, was more tolerant in the Middle Ages than those in Western Europe (since Deér 1934, 1938). Although individual views of tolerance or acceptance can sometimes be found in medieval texts, the Hungarian sources do not express any such notions in favor of the 'pagan' Cumans. Statements about a royal obligation to honor strangers, accept settlers, and provide protection recur in narrative sources. One of them, which recounts the first entry of the Cumans into Hungary, even connects this traditional royal attitude to the admission of the Cumans (Szentpétery 1938: 559). This, however, did not amount to tolerance of Cuman beliefs, customs and lifestyle. Although we know more about ecclesiastical demands and papal impatience with the slow progress of Christianization, the sources that depict royal attitudes never suggest that Hungarian kings wished the Cumans to continue as nomad 'pagans'. Even László IV was more interested in building a powerbase than in protecting the Cumans from the ecclesiastical policy of Christianization for the sake of

preserving their traditions. When forced to choose, he submitted to papal demands. In sum, Hungarian kings were not 'tolerant' in their attitudes to the Cumans (or to other non-Christian groups). Nor can their policy be called one of 'toleration', that is, temporary acceptance of a non-Christian presence. Hungarian kings did not simply acquiesce in an already existing situation, but actively solicited the entry into their kingdom of non-Christians (Jews and Muslims as well as Cumans). They seized an opportunity, which seemed to provide a new way of strengthening royal power.

In the Hungarian case, the conflict between kings and popes over the nature of their respective powers manifested itself as a clash about immediate policies and methods, and the limits to which a Christian king can go while remaining a Christian, rather than about whether or not to integrate the Cumans. Unsurprisingly, the monarchs' opinions on those limits were invariably more elastic than the pontiffs'. King Béla IV's purpose in inviting the Cumans back, and establishing their privileged legal position, was to draw on their support to buttress his own authority, to build up strong royal power. In such an aim, Bela IV resembled his contemporaries in France or England. The means at his disposal, however, differed. Béla and his successors tried to exploit Cuman military potential as a key instrument for bolstering royal power, that is, to rely on 'pagan' nomads in support of a Christian monarchy. A fundamental tension in royal policy can be detected in this respect. The most effective way to secure their support was by subordinating the Cumans directly to royal power, while leaving their communities and internal organization intact. Yet at the same time Béla envisaged the conversion and integration of the Cumans. The pace of these processes was much slower than expected, and led to Cuman unrest and revolt. As long as the Cumans were loyal, the monarch was prepared not to insist on rapid Christianization. Ultimately, however, royal hopes of finding a power-base more dependable than the nobility were disappointed. The Cumans proved unreliable allies of the kings: during the civil war between Béla IV and his son some sided with István; and they assassinated László IV. A strong monarchy was established by the Angevin rulers of the fourteenth century on rather different foundations; although they continued to use Cuman military units in their armies, the significance of the Cumans declined and their integration accelerated.

To some extent the Christianization of the Cumans resembles medieval patterns of the conversion of 'pagans' encountered elsewhere, for example that of various Germanic peoples in the early Middle Ages, or of the Baltic peoples, but the setting was very different. In the latter cases, entire peoples converted, mainly in one of two ways: either through coercion, as a result of conquest, or because the conversion of the social and political elite, linked to new methods of strengthening their power, resulted in that of the rest of the population from the top down. The Cumans, however, constituted a minority in a Christian kingdom in which they had settled voluntarily. Such a voluntary migration of a sizeable 'pagan' minority into a Christian kingdom differed from other European encounters with 'pagans' in the thirteenth and fourteenth centuries. The main forms of such encounters were Christian conquest (as in the Baltic), and wars and negotiations (with Lithuania for example). The singularity of the Hungarian case was a result of the kingdom's geographical position and its kings' willingness to receive such immigrants. Yet the aim, conversion, the means subsequently employed, negotiations and force, and the final outcome, namely the Christianization of the Cumans, were exactly those that had

characterized the encounters of Latin Christians and ‘pagans’ for centuries. Hungary did not conform to the steppe pattern of allowing every group to retain its own religion, nor was there a unique, specifically ‘Hungarian’ way of dealing with ‘pagans’.

The Cumans, when they arrived in Hungary, were in every way different from the local population. Their appearance, as to both attire and hairstyle, set them apart. The traditional Cuman costume consisted of trousers and a caftan, each fastened by a belt. For the men, the top of the head was shaved, while the hair was plaited into several braids. By contrast, the local population wore tunics and the men tight trousers or hose. ‘Cuman’ and ‘Christian’ costume and hairstyle were distinguished in many contemporary sources, including papal letters. As for the Cumans’ belief-system, it comprised animistic and shamanistic elements. The Cumans had their own notions of an afterlife, celebrated the cult of ancestors, and provided the dead with various objects, whose lavishness paralleled their recipients’ social rank. The elite were buried with their horses. Cuman divination practices used animals, especially the wolf and the dog. Shamans communicated with the spirit world, and were consulted in order to determine the outcome of illnesses and other events. Finally, the Cumans differed fundamentally in their lifestyle: they were nomads who lived in tents as opposed to the settled local agricultural population.

Such distinctiveness, compounded by the hostility they encountered, might have marked the Cumans out to become a ‘persecuted minority’. This, however, did not happen. Both royal and ecclesiastical authorities sought to incorporate, rather than exclude, the Cumans. The privileged relationship they enjoyed with Hungarian kings derived from the same mechanism that has been identified in other contexts as a reason for the emergence of persecution, namely the attempt to create a strong centralized monarchy. The extension of royal protection to different groups was as much a means of strengthening royal power as the reservation of the right of punishment and exclusion from society. In the thirteenth century, the balance of power shifted from the kings to the lay and ecclesiastical elites through the acquisition of lands and of previously exclusive royal rights, including building stone castles and settling groups of *hospites*, that is, of immigrants, but including both internal migrants and foreigners, and granting them privileges. One of the ways to counterbalance the loss of royal prerogative was the ready acceptance and even encouragement of Cuman settlement, and the effort to keep them under royal control. Royal interest and ecclesiastical views coincided on the issue of Cuman integration, even if – especially during the reign of László IV – the king clashed with prelates, supported by the popes, over immediate issues of policy considered appropriate towards the Cumans. The ecclesiastical expectation concerning ‘pagans’ was conversion, not exclusion. Even if expulsion was used as a threat against the Cumans, the ultimate aim was their Christianization. Although much more slowly than originally expected, this did in fact happen. In the long run, the Cumans lost their original language, lifestyle, attire, and beliefs, and assimilated completely to the local population. Indeed, they assimilated to such an extent that several nineteenth-century scholars maintained that the Cumans had always been Hungarians, and spoke a dialect of Hungarian; that is, that the two were ‘biologically’ related peoples.

Despite many similarities between the relationship of rulers to their non-Christian subjects in thirteenth-century Iberia and Hungary, the course of events relating to the Cumans in the later Middle Ages is strikingly different from the fate of Jews and



Figure 5.2 Portrait of King László IV. Source: *The Illuminated Chronicle* (mid-fourteenth century). Budapest, Széchényi Library, MS. Clmae 404, fol. 64v.

Muslims in Iberia. That peninsula, on the frontier of Christendom, was, like Hungary, a meeting-place of different civilizations. Yet there was also a major difference: while Christendom was rapidly expanding in Iberia, on the eastern frontier it was on the defensive. In the mid-thirteenth century, when the Cumans arrived in Hungary, the Jews and Muslims of Iberia filled important positions in royal service and in the economic and cultural life of the peninsula. Rulers of Iberia, like those in Hungary, exploited the additional opportunities to build royal power by means that did not correspond to ecclesiastical views about the place of non-Christians. Reliance on the service of Muslims on the one hand, and fighting against Muslims reinforced by an ideology of Christian 'reconquest' on the other, did not mutually exclude each other.

At the end of the fifteenth century and the beginning of the sixteenth, by which time the Cumans of Hungary had largely been converted and assimilated, the Jews and Muslims of Iberia had to choose between baptism or expulsion. The conversion of those Iberian non-Christians who remained, instead of paving the way for a complete assimilation, served only to create new fears and suspicions. The converts were

stigmatized as a special category, rather than allowed to blend in with the Christian population. *Moriscos* and *marranos* (or *conversos*) were suspect, and exposed to investigation by the Inquisition and to occasional violence; the *moriscos* were finally expelled. In the case of the Cumans, popular hostility was strongest at the beginning, at the time of the Cumans' entry, even leading to a massacre. Suspicions and fears eventually subsided. In the fifteenth century, territorial units (*sedes*) took the place of Cuman clan-organization and facilitated the survival of privileges specific to an area (Cumania) and its inhabitants (Cumans, later AsCumans).⁴ Yet this was not coupled with hostility or discrimination. Expulsion was only used as a threat very early in the conversion process, in the late thirteenth century, and was never implemented. Those Cumans who did convert were allowed to integrate and assimilate. No suspicion was harbored against them, nor were they branded as insincere Christians. One often finds the same Christian attitude with regard to other 'pagan' populations during the Middle Ages. The conversion and integration of 'pagans' was expected and usually more readily accepted than that of Jews or Muslims.

The representation of the Cumans in fourteenth-century Hungary displays an ambivalence that can be categorized as a manifestation neither of persecution nor of attraction. The Cumans did not simply become a stereotypical 'other'. The 'oriental' figure, in a costume that closely resembled that of the Cumans, became the iconographic vehicle for both a negative and a positive meaning, even in the same work. On the one hand, Cumans were depicted as enemies, sometimes in a demonized form (with fire or a devil issuing from their mouth), engaged in combat with the Hungarians or with St László I (whose legend included the description of a duel the saint fought against a Cuman attacker). László IV, in turn, was depicted in Cuman costume, in order to indicate that he was an evil, depraved king (Berend 1997: 171–2). Various nomads, including the Mongols, wore the same type of dress in the miniatures of the Hungarian *Illuminated Chronicle* (c.1358). On the other hand, similarly clad figures represented the ancestors of the Hungarians, the Huns and 'pagan' forefathers (Marosi 1991). Thus the 'oriental' figure stood for both the enemy and the Hungarian past.

The nomad Turkic, and especially the Cuman, presence in Hungary gave rise to explanations that sought the specificities of Hungarian development in an 'eastern', 'nomad', or 'pagan' orientation. Some authors have argued that because of nomad influence, the kingdom of Hungary was detached from Christendom in some way. This notion had its origin in medieval accusations. While Hungarian kings tried to turn Cuman military power to their advantage, their internal and external enemies complained about the use of 'pagans' against Christians. The most explicit expression of discontent came from those ecclesiastics within the kingdom who disapproved of royal reliance on the Cumans (and/or of the growth of royal power), and from Hungary's neighbors, whenever hostilities erupted in military confrontation. The sources provide detailed descriptions of atrocities (such as the looting of churches and killing not only of men, but also of women and children), attributing them to the aspiration of their 'pagan' perpetrators to harm Christians. King Béla IV himself eagerly propagated the idea of such an alleged predisposition when he was asking for help from the papacy and from kings against another 'pagan' nomad people, the Mongols. Yet because of their close association with and reliance on the Cumans, Béla, his successors, and the entire population of Hungary, were not above suspicion. They

were seen as similar to the Cumans, were called 'semi-Christians', and represented as having been seduced from the Christian path (e.g. Gombos 1937–8: vol. 1: 276). The conduct of the royal army, with its Cuman contingent, during wars and invasions was in fact no different from that of medieval armies elsewhere; the cruelty was no less when the deeds were committed by 'authentic' Christians.

Modern historians of medieval Hungary have written about a thirteenth-century turn to 'paganism': László IV's attempt to set royal power free from the Christian-feudal matrix (Szűcs 1993: 310–21), and the creation of an 'ideal of deliberate barbarism' that distinguished Hungary from its Western neighbors (Klaniczay 1990). According to the first view, the king opted for a 'pagan' alternative of rulership. As discussed above, this was not the case. According to the second view, the presence of the Cumans contributed to the formulation of an ideology that rejected Western norms, and offered an alternative conception of civilization. Gábor Klaniczay has claimed that the first important proponent of the 'ideal of deliberate barbarism' was Simon of Kéza in the late thirteenth century, and that he was influenced by the 'pagan' tendencies of László IV's court and the Cumans.

A court cleric of King László IV, Simon wrote (or according to some, adapted), a chronicle about the history of the Hungarians in which he fully elaborated the mythical descent of the Huns and the Hungarians from a common ancestor. Far from rejecting 'Western norms' in favor of a pagan-oriented ideology, Simon collected his sources 'through Italy, France and Germany', and developed the myth of the Hun–Hungarian relationship on the basis of Western authors (Szentpétery 1937: 141; Szűcs 1981: 263–328; Szűcs 1984: 413–55).⁵ Attila and the Huns in fact fulfilled a function in placing Hungary within the structures of contemporary Latin Christendom. Simon's construction, incorporating not only a realistic 'pagan' past (that of the Hungarians prior to their conversion), but also a mythical (Hunnish) one, was an effort to create the sort of ancestry every European kingdom had been craving since the Franks (French) had appropriated the myth of Trojan descent. As the Huns and the Hungarians had already been paired off by chroniclers of Christian Europe who had experienced the Hungarian raids prior to Hungary's Christianization, this was an obvious route for a cleric trained in Bologna or Padua to follow (Szűcs 1984: 490).

Simon may have used his observations of Cuman practices to lend verisimilitude to his account of Hunnish customs, but he had nothing good to say about the Cumans themselves. In fact, only twice does he mention the Cumans living in Hungary during his own times. In the first instance, they participate in the royal army, and they loot the enemy's baggage during battle. In the second, they plot against and are defeated by the king; they are unfaithful to László IV and receive just punishment (Szentpétery 1937: 186–7). There is no sign of 'pagan' sympathies or 'deliberate barbarism' here. Moreover, in Simon's depiction Attila is generous to strangers, but also lecherous, and a tyrant. Thus Attila did not represent an alternative to 'Western norms' for Simon. This is evidenced above all by the description of the ruler's death: he choked on his own blood on his wedding night after an excess of drink and sexual exertion. The virtues lacking in Attila were to be found instead in Hungary's Christian rulers. Furthermore, Simon did not excuse the plundering raids of the pagan Hungarians, and emphasized the sanctity of various members of the Hungarian dynasty after the conversion to Christianity. In short, there is no

question of a rejection of 'Western norms', especially because for Simon these norms were Christian rather than Western.

The reincorporation of a 'pagan' past (Bagi 2005) that had been eradicated in the first two centuries of the new Christian kingdom was not due to a return to or the invention of 'pagan' ideals. A similar pattern is manifest, for example, in Danish historiography. Saxo Grammaticus rejected Trojan origins in favor of descent from Dan, a 'pagan' ruler, in order to demonstrate the equality of the Danes' lineage with the Roman one (Boje Mortensen 1987). Simon of Kéza elaborated the Hun-Hungarian identification not in order to advocate an ideal of barbarism, but to show that the Hungarians were descended from ancestors illustrious enough to compete with those claimed by other European communities, and that an Empire – Attila's – was at the origins of the Hungarian kingdom. Simon did not try to present Attila as a model ruler. He emphasized Attila's power, that he had been feared by the whole world, but did not condone his debauchery. In Hungary as in Denmark, a self-assured integration of the 'pagan' past was undertaken by men of ecclesiastical training, after a long period of Christianization of the kingdom, and not as part of a 'pagan' resurgence.

Christian treatment of Hungary's 'pagans' does not fit into the framework of the thesis of a 'persecuting society'. The strengthening of royal power was not envisaged through the exclusion of the Cumans, even though they differed radically from the local settled population at the time of their entry. Yet these attitudes cannot be characterized as 'tolerance', or even 'toleration', for the ultimate aim of both royal and ecclesiastical policies was the conversion and assimilation of the Cumans. Their entry and settlement, and the ways in which the monarchy and papacy dealt with their integration, highlight both significant differences between Hungary and kingdoms such as France or England, and, at the same time, certain similarities, such as papal-royal power struggles, deriving from a common structure. The distinctiveness of Hungary in the medieval period cannot be represented in terms of the peripheral 'backward' nature of the kingdom: that was due to more modern developments.

The medieval framework was that of Latin Christendom. Despite a 'pagan' presence, structurally Hungary belonged to this world. Relations with the papacy regarding policies towards the Cumans indicate how this unity was viewed at the time. Papal-royal interaction ranged from cooperation to confrontation, but never included indifference. This conforms to the way in which popes and rulers acted in other parts of Latin Christendom. The threat that Hungary would be detached from Christendom by 'pagans' without or within, deployed by Béla IV in his appeal against the Mongols, and by enemies of László IV to gain papal support, was a potent tool precisely because there was no doubt that the kingdom was part of Latin Christendom. At the same time, patterns characteristic of the interaction between the world of the steppe and sedentary societies also affected Hungary. Nomads raided and settled in the kingdom. Analogous to the relations between the Cumans and Hungary are those between the Cumans and Byzantium or Rus, comprising hostilities as well as dynastic marriages and military alliances; and especially the case of Georgia, where Cumans settled and integrated after royal initiative to call them in to assist against external and internal enemies (Golden 1984). Neither in Hungary nor in any of these other cases did steppe influences and the incorporation of the 'pagans' mean a 'pagan' orientation. Monarchs seized opportunities to

strengthen their power, but they were not supplanting structures already in place. These were ecclesiastical and state structures common to Latin Christendom. The ‘pagans’ themselves finally assimilated into them.

There were regional differences within Christendom, which could be significant. Medieval Europe, however, did not function according to modern divisions. There was no clear or consistent East–West demarcation. On the one hand, ‘Western Europe’ itself was not a unified ‘center’ in the period. On the other, regional differences existed within a basic structural similarity, manifest in, among other things, political institutions, ecclesiastical and lay organizational forms, and the pattern of papal–royal interaction. Medieval Hungary was not ‘between East and West’. Although incorporating a variety of influences in consequence of its frontier position, it was structurally part of Latin Christendom.

NOTES

- 1 ‘L’explication du plus proche par le plus lointain a parfois dominé nos études jusqu’à l’hypnose’.
- 2 Ranke (1874) postulated a radical division between the Slavic world and Hungary on the one hand and the West on the other.
- 3 I treat the position of the Cumans in detail in my book *At the Gate of Christendom: Jews, Muslims and ‘pagans’ in medieval Hungary*, 2001 Cambridge University Press.
- 4 The As spoke an Iranian language and migrated into Hungary either together with the Cumans or separately in the thirteenth–fourteenth centuries. In the modern period, the two were treated together as one ‘people’.
- 5 Besides the edition in Szentpétery (1937), now also see Veszprémy and Schaer (1999).

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CHAPTER SIX

CHRISTIANS, BARBARIANS AND MONSTERS

The European discovery of the world beyond Islam



Peter Jackson

At the dawn of the thirteenth century, and before the emergence of the Mongol Empire, the horizons of Latin Christendom extended only as far as the Hungarians and Ruś in eastern Europe and the Byzantine empire and Islamic powers of the Near East (Wright 1925: 256–7; J.R.S. Phillips 1998). Beyond lay a world of which educated Catholic Christians had only the haziest and most inaccurate ideas, derived from two sources. One was the Bible; the other was the lore of Classical Antiquity. To the canonical Scriptures medieval Christians were indebted for the long-lived notion of a terrestrial Paradise (Genesis, II, 8–14); the expulsion of Cain and his line (*ibid.*, IV, 9 ff.); the wanderings of Ishmael and his descendants (*ibid.*, XVI, 11–12, and XVII, 20); the centrality of Jerusalem (Ezekiel, V, 5; Psalm 73, 12); the deportation of certain tribes of Israel (the ‘Ten Lost Tribes’) eastwards by the Assyrians (II [IV] Kings, XVII, 6, and XVIII, 11); and the story of the Three Magi of the Nativity (Matthew, II, 1–12; subsequently metamorphosed into kings). That the Apostles had actually preached the Gospel throughout the world, in accordance with Christ’s commission (Acts, I, 8), was confirmed by the apocryphal books of the New Testament, where it was claimed, notably, that St Thomas had evangelized ‘India’. But the Scriptures also offered glimpses of a future that involved contact with the obscure but innumerable Gog and Magog, a nation of horsemen (Ezekiel, XXXVIII, 1–3, 14–16), whose advent would usher in the Last Things (Revelation, XX, 7–8).

Of the knowledge bequeathed by the pagan Classical world, much had been lost: Ptolemy’s *Geography*, for instance, was unavailable (it was not to be translated into Latin until c.1400), and the West had to make do with inferior authors such as Pliny, whose *Natural History* was greatly in vogue throughout the Middle Ages (Chibnall 1975). The material found in their works was refracted, moreover, through the digest compiled by Martianus Capella (fourth century) or the encyclopedic work of Solinus (third century); and it was concerned with fantasy rather than being the fruit of direct observation. Thus the ‘East’ was a region of marvels and peopled by fabulous beasts and by monstrous humans – the Cynocephali (a dog-headed race) and Panotii (a race endowed with enormous ears) immortalized in the twelfth-century tympanum at Vézelay; the Parossitae, whose mouths were so small that they derived nourishment by inhaling the steam from cooking meat; the Astomi (a people with no

mouth at all); the Amazons, and so on (Friedman 1981; Wittkower 1942; Gießauf 2006). Occupying the spectrum between fellow Christians and monsters were those societies whose unnatural and barbarous practices put them beyond the pale, such as the Anthropophagi (cannibals). The apocryphal account of the campaigns of Alexander the Great, dating probably from the third century AD, not only incorporated the fabulous nations referred to above, but alleged also that the Macedonian conqueror had enclosed behind an impenetrable barrier certain barbarous and unclean nations, to prevent them overrunning and contaminating the civilized lands (Anderson 1932).

We might expect that the early Christian Church would frown upon learning derived from the pagan world. But in fact certain patristic writers were ready to take on board such knowledge and to harmonize it with the history and geography that were to be gleaned from the Bible. Given the *imprimatur* of Augustine (d. 430), who seems to have accepted the existence of monstrous races, medieval Latin Christians had no reason to challenge it. The *Etymologiae* of Isidore, bishop of Seville (d. 636), which enjoyed considerable popularity in the Middle Ages, were especially indebted to Solinus for details about the fabulous races and marvels of the East. Slightly later an anonymous (probably Syrian) writer claiming to be St Methodius of Patara drew upon the prophetic material in the Bible to weave a circumstantial account of the final era of history. In his *Sermo* or *Revelations* he foresaw the irruption both of Gog and Magog, whom he equated with the unclean peoples enclosed by Alexander, and of the Ishmaelites, whose domination of the world would last for sixty years, and predicted that the latter would capture Rome (Sackur 1898: 66–75, 80–93). For Pseudo-Methodius the Ishmaelites were represented by the Midianites who had been defeated by Gideon (Judges, VI, 24) and by the Arab Muslim invaders of his own day, but the fact that the prophecy had thus largely been fulfilled was not appreciated in a later age. In the twelfth century Peter Comestor, who included a summary of the *Sermo* in his own compendium of sacred history, the *Historia Scholastica* (Smalley 1983: 178–9), substituted for Gog and Magog the Ten Lost Tribes (Anderson 1932: 65–70). Pseudo-Methodius – either directly or through the medium of Peter Comestor – was destined to wield among Western Christians an authority second only to that of Scripture itself and of the Church Fathers.

Barbarous and unclean races were to be found even within Western Europe, where by the twelfth century the Frankish aristocracy and clergy were coming to regard the Christian Celtic and Slavic peoples as representatives of an inferior culture and existing on a lower level of economic development (Jones 1971; Bartlett 1982: 158–77). Beyond the frontiers of Christendom, however, the obvious location of barbarism was the steppe zone south of the Ruś – ‘Scythia’, to use the designation in vogue since Classical times – through which Western Europe had suffered repeated invasions in previous centuries. The most recent invaders to penetrate Europe via this corridor were the Hungarians. Otto of Freising could still comment dismissively c.1150 on their primitive economy and habits (Bartlett 1982: 159), but that was before their kings had begun to encourage the immigration of substantial numbers of French knights, clerics and artisans (Fügedi 1975). And by the onset of the thirteenth century Hungarian kings and prelates were eagerly proselytizing their nomadic neighbours in the steppe, the Cumans (Polovtsy, Qipchaq). Scythia was undoubtedly alien terrain. What especially struck Western observers was the

near-total absence of agriculture: Otto remarked on the fact that these regions were untouched by ploughshare or mattock (Waitz 1884: 40; Mierow 1953: 66). But the inhabitants displayed other undesirable features also. Elsewhere he alleged that the Cumans, like their predecessors the Pechenegs, ate raw flesh, including that of unclean beasts (Wilms 1867: 233–4; Mierow 1928: 371).

* * *

Western European pilgrims had been visiting Palestine since at least the fourth century, but it was the First Crusade (1096–1101) that brought Latins into continuous contact with large numbers of Christians belonging to separated churches: Armenians and Jacobites in Syria and Palestine or representatives of other Christian communities – the Nestorians, the Ethiopians and the Georgians – on pilgrimage to the Holy Sepulchre (Hamilton 1996: 237–8, 240; MacEvitt 2008). Crusader conquests, however, were a mere pinprick alongside the pagan encroachments that the Islamic world suffered further east during the twelfth and thirteenth centuries. First, much of Central Asia was subjugated by a Buddhist power, the Qara-Khitān, whose ruler sealed his triumph with a victory over the Muslims of eastern Persia in 1141 (Biran 2005). Then both the Qara-Khitān empire and the territories of its Muslim neighbour and rival, the Khwārazmshāh, which embraced much of the eastern Islamic world, were overrun by the Mongols in the course of the great seven-year campaign (1218–24) led by Chinggis Khan. The Mongol attack was especially catastrophic in its scope and the scale of the devastation (Morgan 2007: 60–2).

It was natural for the beleaguered Franks of the eastern Mediterranean littoral to assume that the Muslims' enemies on each occasion were Christians. Rumours of the existence somewhere in the east of a Christian priest-king 'John', who was descended from the Magi, may already have been current for some time, and the news of the Qara-Khitān victory, reaching western Europe in 1146, was taken to signify his advance to aid his co-religionists (Beckingham 1996: 2–8; Brewer 2015: 43–5). What gave especial impetus to the growth of the Prester John legend was the appearance c.1165 of the celebrated 'letter' of Prester John (Zarncke 1879; Brewer 2015: 46–91). This document is now known to have been a forgery emanating from within the West and was possibly a device of the imperial chancery in its conflict with the Papacy (Hamilton 1985; Franco 1997). To judge from the extraordinary diffusion of manuscripts and the number of interpolations that were made, it satisfied a deep need to believe in an ideal Christian polity. The author drew upon Revelation, Isidore and Pseudo-Methodius to depict a realm that included monstrous races, Amazons and the Ten Lost Tribes; he unconsciously indicated another of his sources by referring to the palace built by St Thomas; and according to an interpolation made before 1220, Prester John numbered among his subjects the cannibalistic Gog and Magog, whom he released temporarily against his enemies before returning them once more to confinement (Brewer 2015: 70–1; Knefelkamp 1988: 339–48). John's failure to materialize did not mean that Western Christians lost hope. In 1217 Jacques de Vitry, newly arrived in Palestine as bishop of Acre, could write both that the Christians subjected to Muslim rule outnumbered their Muslim masters and that there were also many Christian kings dwelling in the east 'as far as the territory of Prester John' who might move to aid the Fifth Crusade against the Muslims (Huygens 1960: 95).

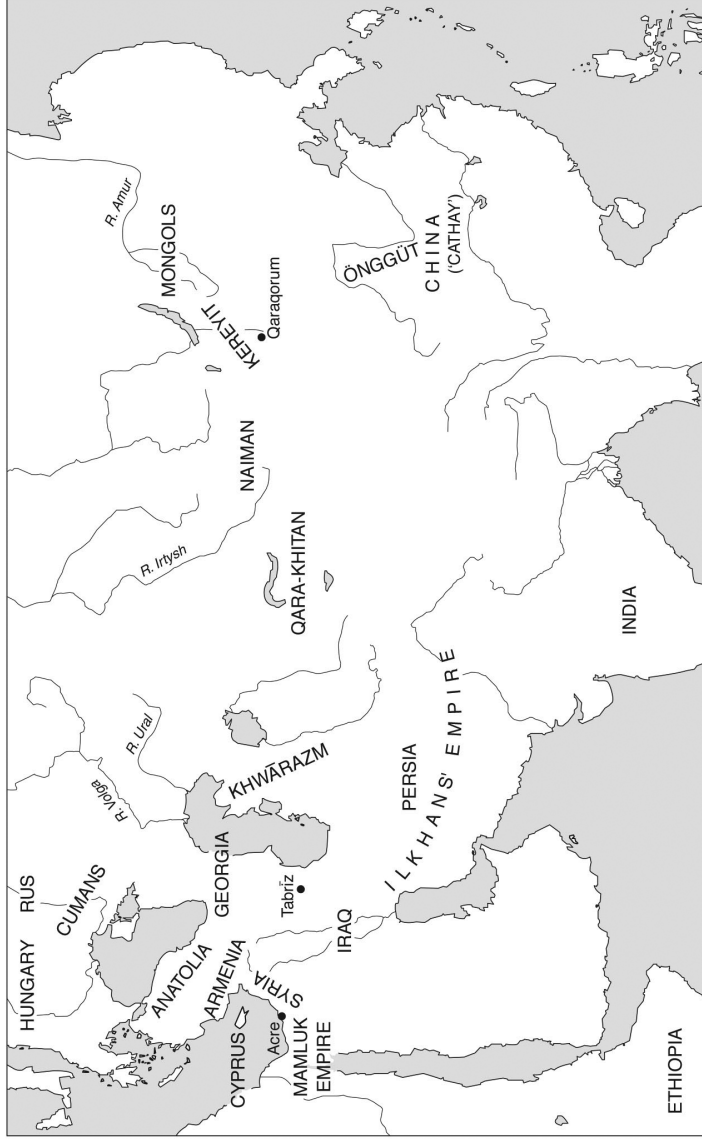


Figure 6.1 Map of Asia in the Mongol era.

When in 1221 reports of the advance of a vast Christian army under a king called David reached the army of the Fifth Crusade in Egypt, it was Jacques de Vitry who made the connection with the 'Christian' triumph eight decades before, so that King David became Prester John or his descendant (Brewer 2015: 101–13, 127, 131; Gosman 1989; Linehan 1967). The King David story was derived in part from developments in Central Asia earlier in the century which antedated the Mongols' westward advance (Richard 1996; Jackson 1997: 428–31); but it was under this guise that the West first heard of Chinggis Khan's operations. The Mongols, a nomadic people from the steppe and forest zone that lay to the north of China, were not Christians, although Nestorianism had made some headway among certain of the neighbouring tribes they had reduced, such as the Kereyit and the Naiman. Chinggis Khan's policy, which was to be maintained by his successors, was one of toleration of all faiths and sects in return for political obedience, since the Mongols believed that Heaven had granted them a mandate to govern the whole earth (Voegelin 1941; De Rachewiltz 1973). For the eastern Christians who had lived under the constraints of Muslim rule, the Mongol conquest therefore brought deliverance; but it is also noteworthy that when Chinggis Khan's forces had invaded the Qara-Khitān territories c.1218 they were welcomed as liberators by the oppressed Muslim population (Morgan 1996: 161).

Although the Mongols undoubtedly gave priority to the reduction of China, their belief in the mandate of Heaven meant that they were bound to turn their attention westwards again. Under Chinggis Khan's son and successor, the Great Khan ('qaghan') Ögödei, Mongol forces completed the subjugation of the peoples of the Caspian and Pontic steppes, including the Cumans, devastated the Ruś principalities, and ravaged Hungary and Poland before retiring into the steppe once more in 1242 (Jackson 2005: 63–74). Two years later, in the course of a campaign against the Muslims of Anatolia, another Mongol army briefly menaced the Latin settlements in Syria (Jackson 2005: 74–5). The West was forewarned of the renewed Mongol advance, since it was reported in 1237–8 both by the Hungarian Dominican Julian, who had visited the Ural region, and by Philip, the Dominican prior in the Holy Land (Dörrie 1956: 162–82; Luard 1876: 397–8; Scheffer-Boichorst 1874: 941–2).

It is possible that these warnings were discounted. The Mongol invasions proved all the more cataclysmic in view of the mood of optimism that had prevailed in the Latin world in recent years. In eastern Europe the conversion of some Cuman chiefs had made possible the creation in 1228 of the new episcopal see of 'Cumania' (Richard 1977a: 23–6). The Dominican Philip had assured the pope of the readiness of the Jacobite patriarch and the Nestorian catholicus to submit to Rome; only the Greeks now remained obstinately outside the Catholic fold (Scheffer-Boichorst 1874: 941–2; Luard 1876: 397–8). He referred almost incidentally to the Mongol devastation of Persia and Iraq, and it may well be that some thought the situation might be turned to the West's advantage. The pope had been in negotiations for ecclesiastical union with the Ruś since 1222, and in the wake of the Mongol attack it seems the Ruś grand prince did recognize papal primacy in 1246 (Zatko 1957). One of the aims of the parties of friars whom Pope Innocent IV sent as envoys to the Mongol world in 1245 was to make contact with the schismatic churches both of Ruś and of the Near East (Szcześniak 1956; Richard 1977a: 70–3; Jackson 2005: 92–6).

The Mongol assault on eastern Europe in 1241–2 dispelled any residual illusions that the newcomers were the Christian army of Prester John, and the papal embassies of 1245–8 merely brought back ultimatums demanding the pope's submission. The Franciscan Carpini, who had taken the more northerly route through the Pontic steppe to the qaghan's headquarters, reported that the Mongols were planning a further invasion of Europe (Menestò *et al.* 1989: 294; Dawson 1955: 44; Holder-Egger 1905–13: 210). Although Carpini referred to Nestorians among the qaghan's subjects (Menestò *et al.* 1989: 255; Dawson 1955: 20), he seems to have been unaware of the fact that the qaghan Güyüg's chief advisers were Christians and does not mention Güyüg's Christian sympathies. But in 1249 word reached the West via Louis IX's crusading army in Cyprus that the qaghan had been baptized (Luard 1880: 87; D'Achéry 1723: 627a; Jackson 2007: 81). Less credence would have been placed in this had not a letter from the Armenian king's brother Smbat, who was himself *en route* to the Mongol court, drawn attention to the great numbers of Christians in the empire and mentioned the assistance the Mongols had rendered to a Christian king in India against his Muslim enemies (Richard 1986: 690–2; Jackson 2007: 79). Rumours of the Christian faith of various Mongol princes continued to circulate over the next few years. It was in part the report that the prince Sartaq was a Christian that served as the impulse behind the missionary journey of the Franciscan William of Rubruck in 1253. Rubruck was sceptical, and ascribed such rumours – as indeed the inflated stories about Prester John – to the excessive zeal of Nestorians (Chiesa 2011: 82; Jackson and Morgan 1990: 122). These eastern Christians had a different perspective on Mongol sovereignty, entertaining lively hopes of the conversion of their new overlords and pressing for a Mongol–Western alliance. The envoys – both Nestorians – who visited Louis IX in 1248–9 may have exceeded their brief in emphasizing the pro-Christian sentiments of the Mongol general who had sent them, and Rubruck suspected Armenian translators of misrepresenting the letter he carried from the French king as a request for Mongol assistance in his crusade (Richard 1997: 60–1; Chiesa 2011: 144; Jackson and Morgan 1990: 170–1).

But once the unitary Mongol empire disintegrated c.1260–1 into a number of warring khanates, and the Mongol rulers of Iran, known as the 'Ilkhans', began to court the Christian West with a view to joint action against Muslim Egypt and Syria (Boyle 1976; Jackson 2005: 165–83), stories of Christian sympathies and conversion grew more persistent still. Armenian advocacy of the Mongol alliance reached its peak with the expatriate monk Hayton (Het'um). In the crusading treatise which he presented to Pope Clement V in 1307, Hayton included a sketch of Mongol history where he claimed that the qaghan had been baptized in 1254 at the instigation of the Armenian king, Hayton's own kinsman (Hayton 1906: 164–7). Polo, however, a Venetian whose home government enjoyed good commercial relations with the Ilkhan's Mamluk enemies, would be significantly less sanguine about Mongol allies (Hyde 1982–3: 130; Critchley 1992: 72–6).

The reports of the friars – in particular those of Julian, of Carpini, of Simon of Saint-Quentin, who drafted an account of the embassy of the Dominican Ascelin to the Near East, and of Rubruck – are to be numbered among our most important early sources. But the papal embassies were only the vanguard of a stream of Western visitors to the Mongol empire from the mid-thirteenth century to the mid-fourteenth. Among later missionary visitors were the Dominican Ricoldo of Montecroce, who

was able to preach the Gospel in Ilkhanid Iraq, and the Franciscan John of Montecorvino, whom Pope Nicholas IV had sent to evangelize China. The rise of the Mongol empire coincided with the high water-mark of medieval Western economic development, and not far behind the friars were Latin merchants, already long active in Syria and in eastern Europe. In the 1260s we encounter Italian traders in the Black Sea ports and at Tabriz in north-west Persia, although there is no record of a European mercantile presence in China (apart from the Polos) before 1291, when Montecorvino was accompanied by a Venetian merchant (Petech 1962; Paviot 1997).

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During the crisis of 1241–2 and its immediate aftermath, the West's perception of its new neighbour can be identified at a number of different levels (Bezzola 1974: 66ff.; Klopprogge 1993: 153–236; Schmieder 1994: 73–88). In the first place, it was clearly necessary to explain what had become of the would-be Christian confederates of an earlier generation. Carpini thought that Prester John had repulsed the Mongols and that they had not ventured to attack him again (Menestò *et al.* 1989: 258–9; Dawson 1955: 22–3). But Simon of Saint-Quentin was among a series of authors to assume that the Mongols had destroyed King David, and it is evident from the details he supplies that he identified the fallen monarch with Ong Khan, the Christian ruler of the Kereyit whom Chinggis Khan had overthrown c.1202 (Richard 1965: 27–9 = Vincent, XXX, 69; Luard 1880: 115; Klopprogge 1993: 145–52; Aigle 2010: 696). Subsequent visitors to the empire persisted in the search for the defunct priest-king. By dint of a bogus etymological link, Marco Polo identified Ong's people with the Turkish tribe of the Önggüt, whose territory lay on the northern borders of China and who had been among the first to submit to Chinggis Khan (Van den Wyngaert 1929: 348; Dawson 1955: 225; Latham 1958: 105–6; Morgan 1996: 165–6). But from the early fourteenth century a distinct shift occurred, and the kingdom of Prester John would come increasingly to be located in Ethiopia (Beckingham 1980: 293–4; Hamilton 1996: 251–3).

Emerging from the great wilderness that extended for hundreds of miles to the east of Latin Christendom, the Mongols belonged, as Rubruck put it, to 'another world' (Chiesa 2011: 18, 48; Jackson and Morgan 1990: 71, 97). In some measure, observers simply replicated the terminology previously applied to other pastoral nomads such as the Cumans. Thomas of Spalato, describing the devastation of Hungary, noted that the invaders abhorred bread, and believed that they drank a concoction of mare's milk and blood. Other authors echoed the Mongols' unfamiliarity with bread (Perić *et al.* 2006: 284; Richard 1965: 32 = Vincent, XXX, 71; Waitz 1882: 522). The Mongols' atrocities, however, caused them readily to be identified as agents of Satan: the alternative name 'Tatars' under which they were known was swiftly corrupted to 'Tartars', associating them with the Hell of Classical mythology (Connell 1973: 117–18). Their savagery, of course, did not debar them from being viewed also as a scourge from God, sent to punish humanity for its sins (DeWeese 1978–9: 48–50).

As steppe horsemen the Mongols naturally evoked recollections of biblical prophecy; and elements of the Western intellectual tradition that we noticed above, particularly the *Sermo* of Pseudo-Methodius, were recruited in order to make sense of the cataclysm. Thomas claims that at the time of the Mongol invasion 'very many

old men of letters' ploughed through writings and, on the basis of what Methodius had said, agreed that the Mongols were the forerunners of Antichrist (Perić *et al.* 2006: 286). One prophecy that has come to light only in recent years referred to the 'Sons of Israel', clearly reflecting the belief that the newcomers were the Ten Lost Tribes (Lerner 1983: 15–24). Variations on the theme emerge from several writings, including Julian's report, where the Mongols are identified as Ishmaelites (Dörrie 1956: 167; Jaffé 1861: 341; Waitz 1879: 403–4; Waitz 1882: 522; Luard 1864: 118; Luard 1882: 78; Burnett and Gautier Dalché 1991: 160). This equation was also made by the Ruś (Michell and Forbes 1914: 82), among whom we know Pseudo-Methodius had likewise been invoked from the time of the first Mongol attack in 1222–3 (*ibid.*, 64; Cross 1929; Chekin 1992). Julian had been told by a Russian cleric that the Mongols were descended from the Midianites, and the same view was communicated to the pope at Lyons in 1244 by the refugee Russian prelate Peter (Dörrie 1956: 188; Von den Brincken 1975: 122).

A certain paranoia, linking the grim new enemy with more familiar antagonists of longer standing, is also discernible. It was part of a wider phenomenon, for the nightmare possibility of an alliance between the Muslims and Patarene heretics within the West had been in the air since the 1190s (Reeves 1974: 61). Thus, according to the Russian cleric Peter, the Mongols recruited for themselves representatives of all races and sects (Dörrie 1956: 192), and in 1241 rumours spread that they were accompanied by heretics and false Christians (Wattenbach 1851: 640; Waitz 1879: 404; Jaffé 1861: 341; Luard 1882: 82, 84; DeWeese 1978–9: 50–1). Subsequently Roger Bacon entertained the possibility that the 'Master of Hungary', the leader of the unruly 'Crusade of the Shepherds' (or Pastoureaux) who terrorized northern France in 1251, might have been an agent of the Mongols or the Muslims (Bridges 1897a: 401). A still more pernicious report, following on with remorseless logic from the belief that the Mongols were the Ten Lost Tribes, made scapegoats of the Jews, who were suspected of shipping arms to the invaders, and led to pogroms in parts of Germany (Menache 1996).

This preoccupation with the eschatological nature of current events helps to explain much of the bizarre detail about the Mongols which is to be found even in the reports of the papal envoys. It has been demonstrated that the interrogation of captured Mongols by a Hungarian bishop c.1239, of which an account found its way into two English chronicles, was conducted exclusively on the basis of data in Pseudo-Methodius (Bigalli 1971: 64–9; Klopprogge 1993: 162–5; Klopprogge 1997: 96–7; Schmieder 2006: 279–81). His influence is also clearly behind allusions to Rome as the Mongols' objective (Dörrie 1956: 178, 193; Luard 1877: 276). It serves to explain why Peter, Carpini and others were keen to ascertain the number of years that had elapsed since the Mongols' emergence from their homeland (Dörrie 1956: 189–90; Menestò *et al.* 1989: 264, 295; Dawson 1955: 25–6, 44–5; Luard 1882: 79; D'Achéry 1723: 627a). And stories – of which the gossipy English Benedictine Matthew Paris contributed more than his fair share – were also rife concerning their cannibalism (Luard 1876: 488; Luard 1877: 76, 273; Luard 1882: 77; Dörrie 1956: 191; Richard 1965: 38 = Vincent, XXX, 77; Waitz 1882: 522; Sinor 1977: 61; Guzman 1991; K.M. Phillips 2014: 91–4), since the enclosed peoples – whether or not they were called Gog and Magog – were credited with eating all animals without discrimination and even human flesh (Sackur 1898: 72–3, 92; Anderson



Figure 6.2 ‘Men whose heads do grow beneath their shoulders’. The *Liber de naturis rerum creatorum* (‘Concerning the nature of created things’), composed in 1492 for Raphael de Mercatellis, abbot of St Bavo’s, Ghent, and based on the mid-thirteenth-century work of Thomas of Cantimpré OP. On this page a selection of fantastic types in faraway places is presented, including a female cyclops, a ‘sciopod’ shielding himself from the sun with his enormous foot, a man with his face on his shoulders, another with six arms, another whose sole sustenance is the scent of apples; also various other exotic females reported to be dangerous when wet. (It was later, and out of consideration for the moral welfare of more modest students of the strange that the men’s trousers were painted in.)

Source: Ghent, Sint-Baafskathedraal, MS. 15, fo. 2r. Photo: Circa 1492. Exhibition catalogue, National Gallery of Art, Washington 1991 p. 125 © St Baafskathedraal Gent. Photo: Paul M. R. Maevaert.

1932: 15–49). Although much of this lay at some distance from reality, certain of the gruesome details received support from the accounts of those who, unlike Matthew or Thomas, encountered the Mongols at first hand and found that they did appear less discriminating in their diet than Catholic Christians. Carpini listed among the items of the Mongols' diet horses, mice, lice and the afterbirth of foals; although the Mongols had been known to eat human flesh, it was only in dire military emergency (Menestò *et al.* 1989: 248, 256; Dawson 1955: 16, 21).

The view that the Mongols were the people enclosed by Alexander behind strong barriers, and of whom (Pseudo-) Methodius had written, persisted for some decades. The outbreak of the Flagellant movement in Perugia in 1260 has been persuasively linked with the Mongol attacks on eastern Europe in 1259–60 and their invasion of Syria at the beginning of the latter year and with papal appeals that were couched in apocalyptic terms (Dickson 1989). Thirty years later, the Dominican missionary Ricoldo devoted some space to this question. The identification was allegedly confirmed by the fact that the Mongols hated Alexander's name and by the close resemblance between their script and that of Chaldaea, whence the Jews originated. On the other hand, they knew nothing of the Law of Moses or of the Exodus; they had no priesthood; and they differed considerably from the Jews (not to mention every other race) both in appearance and in custom (George-Tvrtković 2012: 194). Matthew Paris had expressed similar reservations some decades earlier (Luard 1877: 78). According to Ricoldo, the Mongols themselves claimed to be descended from Gog and Magog, of which latter name 'Mogoli' was a corruption (George-Tvrtković 2012: 194). Marco Polo transmits a similarly strained etymology linking Magog and Mongol (Latham 1958: 106). Yet certain writers, notably Bacon and the anonymous author of a geographical treatise of c.1260, expressed doubts as to whether the advent of the Mongols presaged the coming of Antichrist (Bridges 1897b: 234–5; Colker 1979: 725–6).

At another level, of course, the Mongols confronted the Western Church with rival universalist claims not met with in any alien society other than Islam. Their view of international diplomacy was relatively simple: every ruler had a duty to recognize his place within the world-empire and to make peace (i.e. submit); any who neglected to do so was a rebel. It is clear that for the Mongol imperial government the papal embassies of 1245–8 betokened inadequate expressions of submission, so that the qaghan Güyüg referred to the letter brought by Carpini, for example, as a petition (Dawson 1955: 85). Ascelin and his party narrowly escaped execution for their refusal to make the triple genuflection before the qaghan's representative (Richard 1965: 101–2, 109 = Vincent, XXXII, 44, 48). Rubruck noted scornfully how the Mongols in their arrogance were unable to understand why he had come if not to make peace with them (Chiesa 2011: 146; Jackson and Morgan 1990: 172–3; Richard 1977b). To the Latins, Mongol ultimatums, with their emphasis upon the mandate of Heaven, appeared not merely ludicrous but blasphemous (Weiland 1874: 548). Direct experience of Mongol diplomacy therefore fuelled the earlier view of the newcomers as having no proper religion.

The development of friendly relations with the Ilkhans and the prospect of a Mongol alliance naturally affected the way in which the Mongols appear in the literature of the later thirteenth century. In some quarters there were now hopes that, although still pagans, they might be of service in the struggle against the Muslims, hopes

expressed around 1260 in the prophetic ‘Book of Sidrac’ in reaction to the Mongols’ destruction of the Caliphate (Schmieder 2006: 283–8). Admittedly Ricoldo of Montecroce still denounces their belief that the world had been given to them, and speaks of them in unflattering terms (George-Tvrtković 2012: 188–9). Neither was he optimistic about their potential for conversion: it was vital, in his view, to begin with the conversion of the ruler and the nobles, since the lower orders were so doltish and bestial that they would not be won for the faith unless they were offered material inducements (Dondaine 1967: 167). This was the reason why so many of the Mongols had embraced Islam, as a result of the Saracens bribing them with valuable gifts. Many of them, asserted Ricoldo, loved Christians and would have been converted to Christianity, were it not for the fact that Christians were unwilling to make them presents and that the Christian faith was extremely rigorous (George-Tvrtković 2012: 197; Dondaine 1967: 167–8). Yet it is clear that the Mongols were now seen through a different lens. Some writers observed that the Mongols had abandoned their former barbarism and become more civilized (Schmieder 1994: 132). Where his precursors had assumed that Chinggis Khan had killed the Christian Prester John, Marco Polo, flushed with the (doubtless overstated) patronage of the conqueror’s grandson Qubilai, made of Prester John a pagan prince whose downfall had been predicted by Christian astrologers in the victor’s service (Latham 1958: 95–6; Aigle 2010: 699–701). By the mid-fourteenth century the Franciscan John of Rupescissa could be confident that the ‘Great Khan’ was a Christian (Schmieder 2006: 289–91).

For those who travelled out to Mongol Asia, contacts with eastern Christians often brought disappointment. Rubruck’s report contains some particularly scathing remarks about the Nestorian clergy he encountered, although it is worth noticing that his charges – simony, clerical marriage, superfluous ordination to the priesthood – are precisely what we might expect to be levelled by a Latin Christian against an eastern clergy who largely shared the lifestyle of their Mongol masters, who had no landed endowments, who benefited only rarely from episcopal visitation, and whose church had not passed through the crucible of Gregorian Reform (Von den Brincken 1973: 304–6; Jackson 1994: 61–2). The rivalry that pitted against one another representatives of different religious communities at the qaghan’s court, and which emerges so clearly from Rubruck’s narrative, may well have underlain Montecorvino’s complaint, four decades later, about the hostility and obstructiveness of the Nestorian clergy in China (Van den Wyngaert 1929: 346–9; Dawson 1955: 224–8). There were still those, like Burchard of Mount Sion, in whom an awareness of the great numbers of eastern Christians engendered a mood of optimism (Laurent 1873: 91–3). But Bacon concluded that the Christian population of the world was dwarfed by the vast numbers of pagans (Bridges 1900: 122).

* * *

The thirteenth century exerted a decisive influence on the development of Western ideas about the wider world. Contact with the Mongol empire greatly expanded the geographical horizons of the West. Rubruck became the first Westerner to identify ‘Cathay’ with the land of the Seres of Classical Antiquity, and was able to challenge Isidore’s statement that the Caspian was an inland sea. Latin Christians, moreover, were introduced at this time not only to China and Central Asia but to parts of Asia that remained outside the Mongol empire, notably India. Given the vagueness of

Western geographical terminology, Montecorvino, on his way out to China by sea, is the first Latin known for certain to have set foot on the subcontinent. Marco Polo's book claimed that he visited India on behalf of the qaghan Qubilai, and when warfare between Mongol rulers towards the turn of the century rendered the land route less attractive, his party travelled back by sea as far as the Persian Gulf c.1292. It was not until perhaps the 1320s, however, that the West actually made contact with the genuine Indian Christians of St Thomas (Ryan 1993: 662–7).

The advent of the friars made a significant difference in terms of critical comment. True, Carpini lists the Parossitae among the peoples conquered by the Mongols (Menestò *et al.* 1989: 272, 290; Dawson 1955: 30, 41), and also describes a Mongol campaign against Isidore's Cyclopedes, who escaped by cartwheeling (Menestò *et al.* 1989: 273–4; Dawson 1955: 31). But if in some measure these visitors partook of the same misconceptions as earlier commentators, the Mongol world they described also owed a good deal to close observation and scientific judgement. This is particularly true of Rubruck's account. He emerges from his narrative as unwilling to accept anything he has not seen for himself; he expresses doubts regarding the monsters described by Isidore and Solinus, and is especially dismissive of unfounded rumours, whether about the might of Prester John or the Christian sympathies of the Mongol sovereigns (Chiesa 2011: 82, 172, 198; Jackson and Morgan 1990: 122, 187–8, 201; Jackson 1994: 57–8). The account of India furnished by the Franciscan John of Marignolli, who visited China as the pope's ambassador in 1342, proposed that monstrous humans and strange beasts were far thinner on the ground than had been assumed; he ingeniously attributed the stories of the monopod shading himself from the sun with an enormous foot to the Indians' practice of carrying umbrellas (Van den Wyngaert 1929: 546, 548–9; Yule 1914: 256, 258–61; K.M. Phillips 2014: 192–3). Even Marco Polo's book strikes a sober note in its undertaking to differentiate between hearsay and personal observation; and although this laudable aim is not always adhered to, and although, too, the book's avowed purpose is to entertain and to edify, it is nevertheless relatively free of credulous claims and sometimes seeks to correct misapprehensions: thus the salamander, for instance, is not a living creature but a mineral (asbestos) (Jackson 1998: 89–91).

* * *

Yet it is important to recognize how limited, in some respects, was the impact on the Latin West of relations with the Mongol world. Thirteenth- and fourteenth-century Western writings reflect a considerable advance in geographical and ethnographical knowledge. It is true also that the authors of imaginary travel accounts often sought to provide an accurate description of the known world, and that their work incorporated the results of genuine journeys (Richard 1981). But a century or two passed before first-hand observations were reflected in cartography (Baumgärtner 1997). And even if a more scientific spirit is discernible in the narratives of some of those who visited Asia, the same cannot always be said for those who used their work. Take, for instance, the English Franciscan Roger Bacon, who met Rubruck and read a copy of his report (Charpentier 1935). More than once, Bacon comments on the manner in which earlier authors such as Isidore and Pliny had relied on hearsay rather than upon direct experience. But he proceeds to follow not simply Rubruck, whose travels were genuine, but the eighth-century Aethicus Ister, whose

voyages were certainly not, and he further shows himself ready to take Pliny and other ancient writers as authorities (Bridges 1897a: 304–5, 354, 356, 359, 361–2, 365). It was still by no means easy to ascertain which travellers were authentic and which were bogus, or which authentic travellers were gullible and which put their experiences to good use. We are left with the impression that the new knowledge was simply grafted onto the old.

The indications are, moreover, that marvels, rather than the fruits of scientific observation, were in demand among the wider reading public. For all that ‘the East’ enjoyed a considerable vogue in Western literature, much of what was written about it was of a fabulous nature (Richard 1966). The Franciscan Odoric of Pordenone makes no reference whatever to preaching in the account of his travels (1318–23), and no one reading it can be in any doubt that his purpose is to titillate the reader with a series of marvels (Yule 1913: 97). Even his contemporary Jordan of Séverac, who did engage in evangelistic activity, felt the need to give his own more down-to-earth work the title *Mirabilia*. One reason why Marco Polo’s account may have elicited such incredulity was precisely the picture he drew of a prosperous, advanced, orderly China under Mongol government, which clashed with the earlier perceptions of the empire as primitive and barbarous (Euler 1972: 56; Gosman 1994: 83). Conversely, what enabled the discovery of the Canary Islanders to be so much more easily accommodated within the established world-picture was in part their simplicity and lack of sophistication (Hyde 1982–3: 138–40). Polo’s unreceptiveness to the fabulous had no influence on many of his copyists and translators, whose illustrations often depict precisely those monstrous humans or other fantastic creatures absent from the text (Wittkower 1957). And his book was soon eclipsed by the ‘Travels’ of Sir John Mandeville, a collection of second-hand experiences laced with themes that dated back to the world of Antiquity. The fact that the surviving manuscripts of Mandeville’s work far outnumber those of the Polo texts serves to bring home the abiding appeal of *mirabilia* (Letts 1949: 120; Bennett 1954: 219, 263–334). It took much longer for the impact of Polo’s observations on academic geography or history to become visible (Hyde 1982–3: 131–2), although once it did, ironically, Polo’s influence on Columbus would play a large part in concealing from the Genoese admiral his discovery of an altogether new world (Reichert 1988; Flint 1992: 45–6, 64–8).

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CHAPTER SEVEN

THE EMPIRE OF BYZANTIUM



Averil Cameron

Books and articles by the dozen refer to the Byzantine empire, and since Byzantium was in all periods ‘a significant other’ for the west (Arnason 2010: 503), it is appropriate to ask what kind of state it actually was. The question is timely since, albeit with some notable exceptions, Byzantium has played a lesser role than the Roman empire has in the extensive and growing study of empires (Alcock et al. (eds.) 2001; Cline and Graham (eds.) 2011; Bang and Bayly (eds.) 2011). Older publications evaluated this empire in very different ways, as ‘theocratic’, ‘totalitarian’, or, conversely, multicultural and universal (Runciman 1977; Kazhdan and Constable 1982; Laiou and Maguire (eds.) 1992), but all took Byzantium’s imperial status for granted. The very idea of Byzantium conferred a level of hegemonial status in the medieval world, independently of its actual organization as a state. Moreover, Byzantium’s reach extended beyond its borders: cultures and practices outside the Byzantine empire, for instance in the Islamic east, can also reasonably be seen as Byzantine. Yet the very contrast in state formation between Byzantium and the medieval west (Haldon 2015a) and Byzantium’s traditionally imperial identification make it important to consider how well Byzantium fits the context of the currently lively debate about empires.

Problems of definition face anyone trying to write about Byzantium. The first concerns its very name: it is well known that the Byzantines called themselves Romans, the term ‘Byzantine’ being a pejorative term coined in the seventeenth century and used in modern historiography thereafter. Not only is the term ‘Byzantine’ unhistorical: it also carries negative connotations, as can be seen in its still common use to denote anything perceived as unnecessarily complex or bureaucratic. In this particular case the answer to the question ‘what’s in a name?’ can only be ‘quite a lot’. Since Byzantium evolved out of the Roman empire, some historians prefer to call it the eastern or east Roman empire, and indeed this evolutionary heritage and the multiple ways in which the Byzantines responded to it complicate all attempts to characterise the Byzantine state. All the same, the terms Byzantine and Byzantium are so well entrenched in the historiography, and so much a part of our perception of the medieval world, that it would seem odd now not to use them.

The second problem concerns periodization: when did Byzantium begin? The foundation of Constantinople (its later capital) by Constantine I in 330 has traditionally been seen as marking the birth of the Byzantine empire. Yet Constantine was following a precedent set by earlier emperors, in naming his refoundation after himself, and it is far from clear that he intended it as a new capital city. The late Roman empire remained a unity in the fourth century though frequently having more than one emperor and more than one imperial seat (Dijkstra, van Poppel and Slootjes 2015; Wienand 2015), and while west and east began to develop differently, the 'division' of the empire in 395 was less important than the year 476, when the last Roman emperor in the west was deposed. In the sixth century the Emperor Justinian could see himself as restoring imperial territory in the west, even if he was only partially successful. But the use of Latin in the east had already greatly declined and although it was never universal, Greek was the language of culture and officialdom. The loss of so much territory to the Arabs in the seventh century (Syria, Palestine, Egypt, North Africa and even much of Anatolia) meant that the eastern empire that was ruled from Constantinople went through a very difficult period, and some historians prefer to regard Byzantium proper as beginning only then.¹

A further problem arises with the recent popularity of 'late antiquity' as a way of interpreting the period from the fourth to the seventh or eighth centuries (some would push it much later), which undermines the identification of that period in the eastern Mediterranean as Byzantine, while at the same time de-emphasizing political, administrative and military history in favour of social and cultural developments. The problem arises even more sharply with the tendency of some scholars to draw the early Islamic world into this frame of 'late antiquity', sometimes simultaneously referring to Byzantium as merely a 'rump state'. But while the Emperor Constans II (r. 641–68) reportedly contemplated moving the capital to Sicily, recent research suggests that the situation in Anatolia in the later seventh century was somewhat less catastrophic for Byzantium than has been thought: Arab raids did not necessarily result in the permanent occupation of towns, while the thorough re-evaluation of Syriac and Arabic sources that has taken place in recent years shows that the Byzantines were able to strike back on land in the early 670s, attack Egypt, form and make effective use of naval forces, mount assaults on the coasts of Syria and Lebanon and cause the cessation of Arab raids (Jankowiak 2013, with summary of conclusions and chronology at 316–18). During what used to be called 'the dark ages' (for an archaeological perspective: Decker 2016), Byzantium had enough resilience to enable it to restructure its military and administrative apparatus, to hold off a blockade and two sieges of Constantinople itself by the Arabs, to repopulate its capital city of Constantinople and to embark on new military campaigns (Haldon 2016a). What is often seen as the crisis period of Byzantine iconoclasm in the eighth century also coincided with the campaigns and other policies of a successful emperor, Constantine V (r. 741–75, Brubaker and Haldon 2011). Although Constantine V was vilified by hostile iconophile writers, he defeated the Bulgars; led campaigns in the east; repaired the Aqueduct of Valens, out of use for more than a century; and secured the food and water supply for Constantinople (Brubaker and Haldon 2011: 357, for a generally positive judgement on the period from the 790s to 813). Neither the instability of the throne in the late seventh and early eighth century nor the

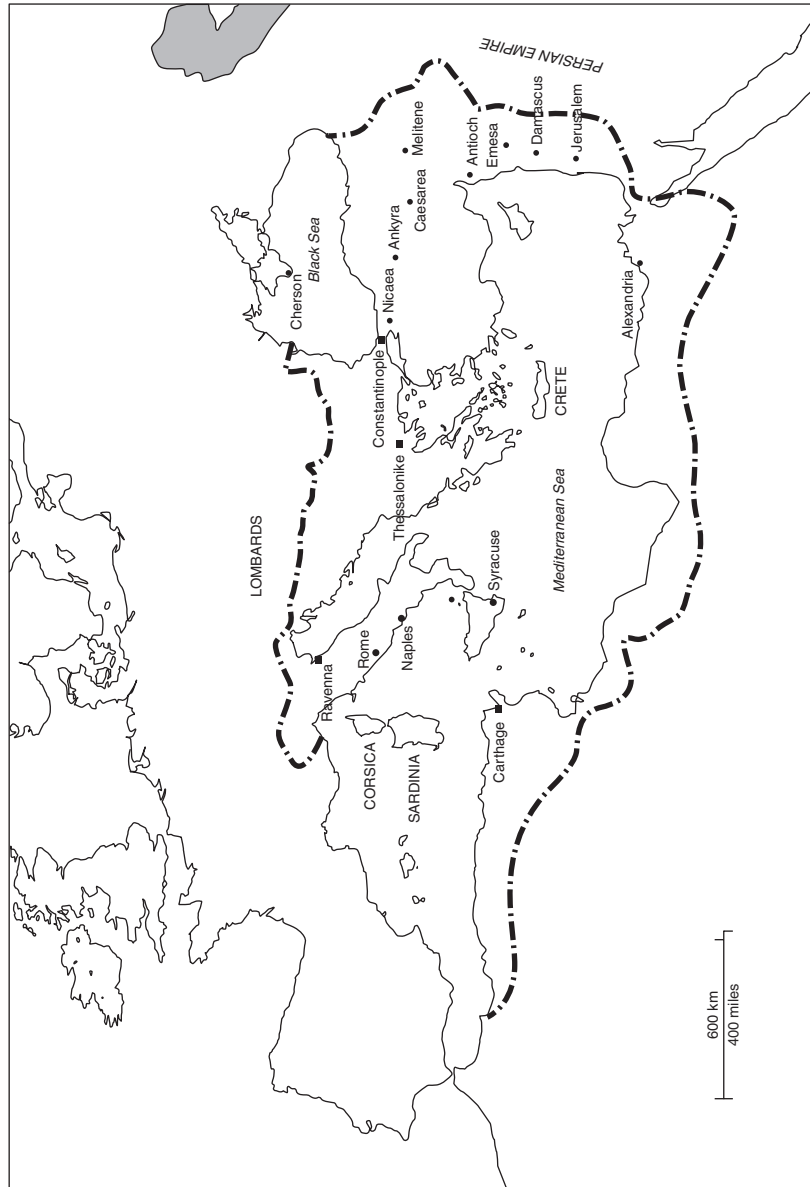


Figure 7.1 The Byzantine empire after the wars of Justinian.
Source: Cameron 2006: 28.

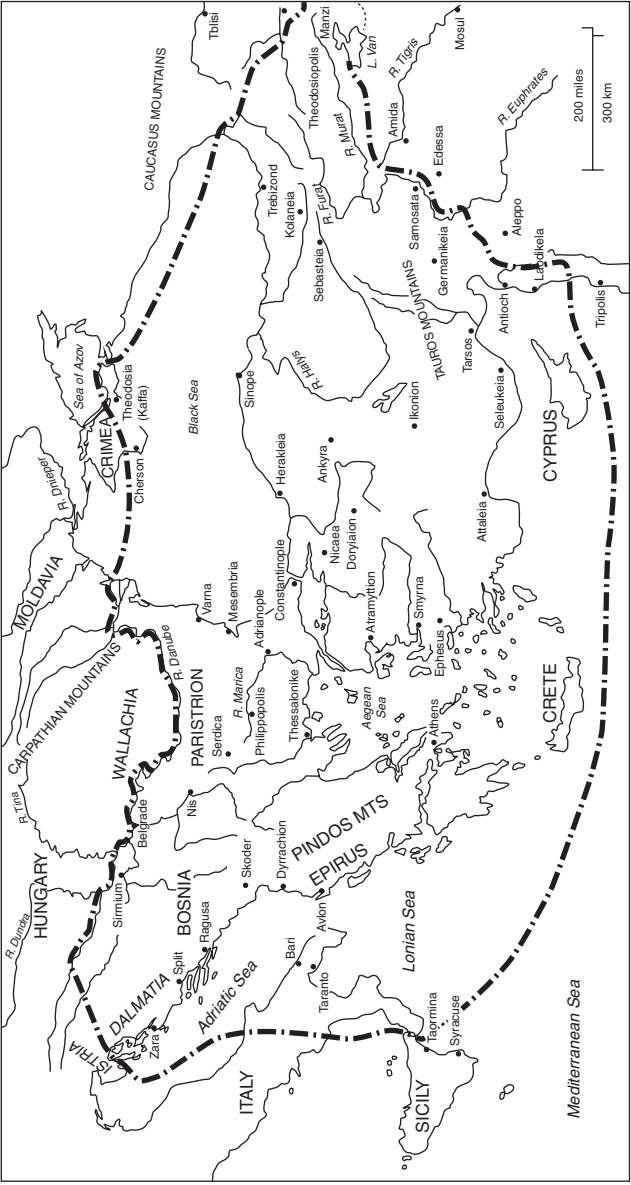


Figure 7.2 The Byzantine empire c.1025.
Source: Cameron 2006: 41.

changes of religious direction threatened the imperial system itself. By the early ninth century a revival of education and culture was clearly underway (Treadgold 1988), and this steadily continued, providing the essential context for a new flowering of Byzantine culture in the tenth century.

A later rupture in Byzantine history came with the capture and sack of Constantinople by the Fourth Crusade in 1204, which was followed by half a century of Latin rule (ultimately unsuccessful) and the establishment of a Byzantine empire in exile at Nicaea in Asia Minor, with minor Byzantine enclaves in Epirus, in the Peloponnese and at Trebizond on the Black Sea coast. Some historians choose to end their works at 1204. But the Byzantines were able to return to Constantinople from Nicaea in 1261 and to maintain Byzantine rule there under the Palaeologan dynasty until the fall of the city to the Ottomans in 1453. Their territory and their 'imperial' reach were greatly reduced. Yet the roles of the emperor and court were maintained, and in cultural terms this was one of the most brilliant periods of all.

Naturally the long period from the foundation of Constantinople to the fall of the city in 1453 saw other major changes. One of them involved the territorial spread of the empire, which varied greatly at different times; thus there can be no single map of the Byzantine empire, only a series of different ones showing widely varying extent (Haldon 2005). It shrank under pressure of the Arab conquests in the seventh century, only to expand slowly until it reached a wide expanse again in the tenth century, before shrinking to little more than a city-state in its final phase. Historians must make choices. It is still possible however to argue with all due reservations from the continuities of rulership and court, ideology, modes of extraction, administration and culture for Byzantium's survival as a state for over eleven hundred years, and this chapter will adopt this long view. For the whole of that period, with the exception of the 'Latin empire' from 1204 to 1261, the west looked to Constantinople as the seat of the Byzantine emperor and source of Byzantine influence, even if not always of power.

The third definitional problem, and the one that most concerns us here, is whether Byzantium counts as an empire (Arnason 2010). Again, some historians are calling Byzantium from the seventh century onwards merely a 'state', or even 'a rump state' (Haldon 2013:475; Sarris 2011 emphasizing the negative aspects of the period from Justinian to Heraclius; states and empires: Scheidel 2013: 27–30). An excellent recent contribution to a volume on ancient empires also deals more with the characteristics of states than of empires (Goldstone and Haldon 2009). In contrast a recent provocative publication contends that Byzantium was not an empire but a republic (Kaldellis 2015). For Kaldellis, Byzantium was 'the nation state of the Romans' (Kaldellis 2012: 388–90; Kaldellis 2007: 76) and the Rome to which the Byzantines looked and from which they derived the workings of their political system was the Roman Republic (Kaldellis 2015, on which see Haldon 2016b). In view of these disagreements, and the different state development in the west (Haldon 2015a: 369–80), it seems highly relevant in a volume such as this to consider Byzantium's place in relation to the fast-growing scholarship on empires.

Justinian (r. 527–65) or Constantine VII (r. 945–59) would have been astonished to hear that they did not rule an empire, but merely a state, not to say a republic. The titulature and the ceremonial of Byzantine emperors conveyed imperial status and projected this message to foreigners, including visitors from the west. John Haldon



Figure 7.3 The Byzantine empire c.1350. Source: Cameron 2006: 57.

has discussed the case of Byzantium as an empire in a number of publications, which form the most important contribution to the question so far, and which explicitly or implicitly bring out the problems inherent in any simple characterization. In a 2009 volume devoted to the comparative study of ancient empires, he wrote that Byzantium is ‘something of an anomaly’ (Haldon 2009: 205): it was territorially ‘rather small’, its emperor was often termed *basileus* (the Greek word for ‘king’) and the state a *basileia* (‘kingdom’), and its history was ‘largely one of contraction’.² Nevertheless, he continues, it represents ‘one of the most interesting examples of a late ancient state formation that survived, with substantial modifications, well into the medieval period’.³ Yet Byzantium generally receives little attention in the many publications devoted to the theme of empire. More recently the extent to which it was a Mediterranean or a Eurasian state has received attention (Cameron 2012; Holmes and Russell (eds.) 2012; Maas and di Cosmo (eds.), forthcoming), with a growing emphasis on the Eurasian or west Eurasian model. According to the latter trend, Byzantium belongs within the wider developments across Eurasia over many centuries, which included the rise of empires. Yet it was always connected with the west, in a variety of relationships that later became more complex and more critical,

especially given the changes in Mediterranean political development and exchange in the later medieval period (Patlagean 2007; Haldon 2009: 235–56; Haldon 2013: 291–95; Haldon 2015a).

Surveying the problems of definition and the actual variety between states, Goldstone and Haldon advocate an open-ended approach to the definition of a state (Goldstone and Haldon 2009: 7), and the same needs to apply in relation to the definition of empire. Goldstone and Haldon themselves advocate the following formulation as an indicator of imperial status:

a territory (contiguous or not) ruled from a distinct organizational center (which may be mobile) with clear ideological sway over varied elites who in turn exercise power over a population in which a majority have neither access to nor influence over positions of imperial power.

(Goldstone and Haldon 2009: 18–19)

Within this overall definition there can be many variations, especially in the case of premodern empires, but it certainly includes Byzantium. Not least because of its longevity, its interrelation with other societies, including those of the medieval West, not to mention the Papacy, the Crusades and the Latin church, and its role in the Mediterranean world of the early and later middle ages, the nature of the Byzantine state deserves closer analysis. It is a question made more urgent by the clear signs of disagreement and uncertainty perceptible among historians, which are themselves indicators of lively controversies and the questioning of previously standard assumptions held not only within the field of Byzantine studies but also in the wider historical context.

Empires, including ancient empires, have been characterized in a number of different ways, including ‘patrimonial’, ‘tributary’, ‘bureaucratic’ and ‘agrarian’, and all these terms can be applied to Byzantium, if in different degrees at different periods. A typology proposed for premodern states based on fiscality also has relevance for Byzantium (Morris and Scheidel 2015; Haldon 2015a: 346–67), but as Haldon says (367), Byzantium was something of a hybrid, combining elements of all the above categories. The term ‘empire’ is also frequently and conventionally applied to state formations or systems that do not easily qualify in these terms. Thus the ‘steppe’ or ‘nomad empires’ of Eurasia are commonly described in terms of empire, and even termed ‘the great universal empires of the steppe’ (Golden 2014), although they rely more on conquest, tribute and booty and lack some of the features clearly present in the case of Byzantium. In such a long-lasting state formation as Byzantium there will also inevitably be change, very likely resulting in periods when some of the qualifying elements are less evident. Modes of interaction with neighbouring states, as well as internal relations between the emperor and court and the elite also changed over time. No single descriptive model is likely to be sufficient. Moreover the empire itself was maintained in a state of ‘dynamic equilibrium’ between its constitutive elements (Goldstone and Haldon 2009: 25). Yet what is surprising is the degree to which central elements constitutive of empire were maintained over so many centuries.⁴ At the most basic level, while usurpations and coups were common (a feature inherited from the Roman imperial system), it was always assumed that there must be an emperor, and all emperors claimed legitimacy and orthodoxy for themselves. No

emperor drastically redefined the office. A centralized system of extracting resources was also maintained, even during the difficult period from the mid-seventh century onwards (see below). These resources supported the imperial court and the armies necessary to defend the state and pursue military objectives. When the cash economy was severely hit in the seventh century, other ways were found to maintain armies, and the military organization and collection of taxes were both radically overhauled. In the Comnenian period beginning with Alexius I (r. 1081–1118) a resort to mercenaries and use of tax privileges and exemptions posed threats to the central power of the state, while the elite was redefined in familial terms with familial titles and the promotion of the imperial family to high posts. All these developments put the state structure under strain. Yet the reign of Alexius's grandson Manuel I (r. 1143–80) was culturally one of the most brilliant in the history of Byzantium. After 1204 and after the return to Constantinople in 1261, Byzantine rule was reduced to dramatically smaller territory. Yet once more the political framework was maintained. It was supported at all periods by a religious ideology and ceremonial practice that inculcated a sense of continuity even in times of most change (Cameron 1987; Shepard chapter 2 in this volume; centrality of religious ideology: Mann 1986; further below). The sense of continuity and order evinced by the imperial structure was often articulated by contemporaries, perhaps most tellingly in the preface to the tenth-century *Book of Ceremonies*, where the purpose of this collection of protocols for imperial ceremonies is explained in terms of 'order' (*taxis*). Through the proper and accessible recording (and performance) of these ceremonies,

the imperial power will have measure and order, reflecting the harmony and movement of the creator in relation to the whole, and it will appear to those subject to it more dignified and for this reason both sweeter and more wonderful.

(DC I, preface, trans. Moffatt and Tall)

Byzantium was complex, and even contradictory. Its practices and its rhetoric were often at odds, and the Byzantine state went through many changes. Yet some things persisted over many centuries.

In what follows I will discuss some of the main constitutive features that seem to indicate the status of Byzantium as an empire, albeit with the qualifications already expressed, and point to some commonly held myths about Byzantium, whether held by the Byzantines themselves or in modern perceptions.

The coercive power of empires shows itself in several ways, of which perhaps the most important is the ability to extract resources in the form of direct or indirect taxation and to redistribute the revenues raised. Throughout its history Byzantium was able to extract resources, whether in coin, kind or labour (Haldon 1993a; Brandes and Haldon 2008; Haldon 2009: 224–29; Haldon 2015a). It inherited a complex tax system and a highly developed monetary system from the late Roman empire with the gold solidus (*nomisma*) as its high-value element, and while there were changes and rebalancing of the precious metal and base metal issues this remained in place for centuries (Laiou and Morrisson 2007; Brandes and Haldon 2008; Hendy 1985). The fact that the Byzantine empire evolved from the Roman imperial system clearly complicates our enquiry in other ways too, and many aspects of the Byzantine tax system remain obscure, especially between the seventh and the

ninth centuries (Oikonomides 2002: 978–83; Haldon 1993b), but even then there were limits to the demonetization of the economy and the state continued to be able to extract resources and utilize them for its own ends. For most of the life of the empire the chief source of wealth lay in the land, and the influence of landowners was at times a factor that acted to limit the extractive power of the state (Haldon 2015a: 358). Nevertheless, commerce acquired a new significance at the end of the period, when Byzantium was faced with a changed Mediterranean world and with the prominence of Italian city-states (Haldon 2009: 231); in practice, trade and exchange, including the slave trade, had always continued and had gradually become more important, not least with the rise of towns and manufacturing in Greece (Laiou 2002; Morrisson 2012).

The Byzantine empire retained a high degree of centralization throughout its existence. The state intervened in the economy in many different ways, from moving populations from one region to another and founding towns to controlling economic activity in Constantinople. The tenth-century *Book of the Prefect* from the reign of Leo VI (r. 886–912) laid down detailed regulations and tariffs for trade guilds in Constantinople, under the authority of the official known as the Eparch. The traders and manufacturers included dealers in bullion and ‘bankers’, as well as importers and merchants of silk, butchers, bakers and many others, as well as craftsmen of various kinds (Koder 1991). State control and securing state revenue were certainly among the motives behind the regulations, even if their effectiveness varied in practice. Central control can also be seen in sharp relief in the system of appointments to office and their attached state salaries (*rogai*) that prevailed in the period that also saw the height of imperial ceremony and precedence (Oikonomides 2002: 1008–16). Official appointments were considered by aspirants to be highly desirable and members of the elite were willing to pay for honorific titles, but the state’s overall expenditure on salaries, which also included military salaries and other special disbursements, was high (Brandes and Haldon 2008: 566–67). Offices and titles were also regulated, with separate hierarchies for paid appointments and honorary titles, including offices and titles held by eunuchs, who had been a part of the imperial structure since the late Roman empire. Court invitation lists and protocols for banquets surviving from the late ninth century provide a fascinating glimpse into the hierarchies of officialdom and etiquette, with the wives of officials accorded status according to the rank of their husbands; further lists of protocols from the fourteenth century also set out a complex hierarchy of offices and titles. While the order and harmony that these were meant to convey did not always prevail,⁵ the lists of offices demonstrate the actual dependence of the elite on the state for their careers and rewards. In this it was strikingly similar to the system that prevailed in the late Roman empire (Kelly 2009).⁶ As also then, the higher level offices were acquired by a variety of means including personal influence, patronage and connections, with short-lived tenure and frequent changes. At certain periods family connections also played a major role, but this was not always the case, and the workings of the state were not coterminous with the emperor’s personal reach (Haldon and Brubaker 2011: 796). A ‘professional’ bureaucracy has been taken to be a mark of empire, as in Han China, and the Byzantine administration was not professional in that sense (Haldon 2015a: 359, 367). But the state was able to draw up and maintain very

detailed registers in relation to the taxation system and records relating to military matters (Haldon 2015a: 356–57; Oikonomides 2002: 975–78; Graff 2016: 108). However imperfect by modern standards, the Byzantine administrative system (a better term than ‘bureaucracy’) generally worked; indeed it has been described as ‘always well-organised and efficient’ (Oikonomides 2002: 978).

Was Byzantium therefore a ‘command economy’ (Oikonomides 2002: 990, with reference to the ninth to eleventh centuries) or a command state? The state certainly projected an image of power and authority. It was supported by a large body of legislation, although, as late Roman historians have done, faced with the apparent evidence of the fifth- and sixth-century lawcodes, we need to distinguish between the rhetoric and what happened on the ground. The body of Roman law codified in Latin under Theodosius II (r. 408–50) and again by Justinian in the sixth century was developed in two later major lawcodes, known as the *Ekloga*, under Leo III (r. 717–41), and the *Basilika*, under Leo VI (r. 886–912), both in Greek, with a strongly Christian emphasis (Humphreys 2015), with complementary lawbooks known as the *Eisagoge* and the *Prochiron*. The *Ekloga* ‘corrected’ Justinianic legislation by appealing directly to Scripture; in its *prooimion* the emperor was now associated with the apostolic command to be the shepherd of his flock (Humphreys 2015: 96). But in general, Byzantine law followed late Roman law in adopting a high moral and even threatening tone. Emperors were expected to conduct the affairs of state (*politeuesthai*) according to the law, or were even thought of as constituting an ‘unwritten law’ (Kaldellis 2015: 70–88; Dagron 1994), and it was often argued that the law constituted a check on them; this means however that there was an inherited rhetoric of lawful rule, not that emperors were in practice prevented from using the law for their own purposes. The imperial lawcodes and their moral force were supported by an extensive and complex body of ecclesiastical canon law. By the tenth and eleventh centuries detailed regulations affected individuals and their behaviour, including family and marriage practices (Patlagean 2007). At the same time church and monastic structures inculcated in orthodox Christians expectations of obedience and practices of penitence and confession: the tears, repentance and renunciation taken to be signs of true faith in the monastic literature of the patristic period continued to be enjoined on the faithful throughout the Byzantine period. Enforcement is another matter: it would be a mistake to conclude either that the state was actually capable of carrying out all its economic regulation in practical terms or that laws and legal pronouncements were uniformly enforced. The evidence of actual legal judgements in the mid- and later Byzantine periods also suggests that legal knowledge was variable even among judges (Neville 2004; Laiou and Simon (eds.) 1994), and the surviving collection of case-law based on judgements by an eleventh-century Constantinopolitan judge, Eustathios Rhomaïos, compiled by an admiring pupil, is tellingly known as the *Peira* (‘Experience’). Beginning in this period, a reorganization and professionalization of the legal system took place, and civil law and ecclesiastical law existed alongside each other, often interacting (Cameron 2006: 92). Byzantium was not a modern state with modern means of enforcement. As was also the case in the later Roman empire, there were gaps and contradictions in the implementation of fiscal and other kinds of regulation (Cameron 2006: 94–95), and the state drew on rhetoric and moral argument, like ceremonial and display, as ways of asserting its authority. The systems themselves also frequently changed over

time; they were constantly being adapted, and many different factors might affect their implementation at the local level. Some of the same constraints apply to the actual level of bureaucratization, colourful though the ceremonial protocols make it appear. The degree of centralization must not be exaggerated. But it is hard to deny that it was there.

Empires need armies to gain territory and control it. Together with the maintenance of the imperial centre and administration, military expenditure in Byzantium, as in the Roman empire, was the main claim on the imperial finances. Balancing the amount extracted, in what was always largely a monetized economy, with the necessary military expenditure (both of which of course might vary widely in different periods and circumstances) was always a central task (Brandes and Haldon 2008; Haldon 2015a). When it became difficult, emperors resorted to measures that included devaluing the precious metal coinage and appropriating and melting down ecclesiastical treasures. Soldiers were paid, though exact details are hard to establish,⁷ as is the extent to which they were also supported in kind, especially during the seventh to ninth centuries (Haldon 1993b, 1995, 1999; Haldon and Brandes 2008). When emperors went on campaign this could involve the transportation of large amounts of bullion in baggage trains and required complex supply systems. Military manuals testify to the centrality of warfare and its theorization (Sullivan 2010). The wars of Justinian against the Sasanians, the Vandals and the Goths and continued warfare against Persia in the late sixth century and under Heraclius demonstrated the capacity to mobilise, though also the fiscal strain this produced. But later the state was also able to engage in offensive warfare to the north against the Bulgarians and across Anatolia against the Arabs, to establish a new military system organized by themes and with new military districts and detachments stationed near frontiers (Haldon 2008), and to build up a naval strength capable of defeating the Arabs at sea, as well as to offer successful resistance to several sieges of Constantinople. Many emperors, even if some more than others, personally led out their armies on campaign, and according to the ninth-century *Eisagoge* it was the emperor's duty to recover lost territory and ideally to extend it. From the eleventh and twelfth centuries the use of mercenaries gave rise to more fiscal as well as political strains (Haldon 2008: 556–57), and in the reduced circumstances of the state after 1204 military capability was greatly reduced and hard to sustain (Haldon 2008: 558–59; Bartusis 1992). Even so, throughout its history, if in differing degrees and forms, Byzantium exhibited the characteristically imperial features of military expenditure and coercive extraction.

Emperor and court were central to this imperial structure, and are treated by Shepard in this volume. A system whose basics had already been put in place in the Roman empire lasted for over a millennium, surviving hard times in the seventh century and exile to Nicaea in the thirteenth. It was not dynastic as such, and usurpations were frequent, as was the practice of appointing co-emperors and child emperors, all of them features deriving from the Roman empire. It was possible in certain circumstances for imperial women to become powerful, again as it had been in Rome. Contrary to popular impressions the emperor did not control the church (Dagron 2003; Cameron 2014: 87–111), and the role of emperor was frequently very insecure; emperors had to ensure their own survival in a delicate balancing act. They could be called to account, at least in theory (Kaldellis 2015: 83–85),

and the population of Constantinople could be unruly and dangerous, as Justinian found in 532 and others also experienced. Some of the language of popular participation remained in use alongside more clearly imperial terminology, and the senate of Constantinople also survived in attenuated form. Emperors were frequently made after palace coups and even assassinations, and they could be forcibly deposed or even mutilated. Justinian II (r. 685–95, 705–11) regained his throne after being deposed and having his nose cut off. He was eventually killed when trying to return from campaign to Constantinople after a military coup that placed a general on the throne; his young son was also killed despite having taken sanctuary in the church of Blachernae.

Nevertheless the imperial office itself remained the cornerstone. It was supported not only by the ceremonial prescribed in the *Book of Ceremonies*, by the legal framework and by religious rhetoric and convention, but also by an elaborate political symbolism and ideology. Constantine's city had been provided at its foundation not only with a palace but also a hippodrome, home to chariot races and to imperial appearances to the people, from an imperial box, the *kathisma*, reached by a special passage from the palace. Confrontations between the emperor and the people of Constantinople occurred here, and while under western influence later emperors such as Manuel I (r. 1143–80) enjoyed jousting, and there had long been a polo ground in the palace, the hippodrome retained its centrality, not least in the imagination. Wherever it took place, the emperor's appearance was invested with solar connotations and the symbolism of eternal victory, celebrated in twelfth-century court poetry in a complex of associations expressed centuries before by the Latin poet Corippus (Dagron 2011: 77; Cameron 1976; McCormick 1986). Again, according to the acclamations recorded in the *Book of Ceremonies* the victory of the charioteers belonged to the emperor just as surely as his victories over foreign enemies (Dagron 2011: 242–43).

Byzantine imperial rule shared in the symbolic overtones of kingship manifested not only in the medieval west but also by empires across Eurasia (Canepa 2009; Bang and Kolodziejczyk (eds.) (2012); Skaff forthcoming). Many of these themes were manifested in visual art as well as on coinage, and were readily transferable across cultures. They included an assimilation of rulership to the heavenly realm, and in Byzantium, as also elsewhere, they often had specific religious connotations. The Byzantine emperor was hailed as 'Christ-loving', and 'orthodox', and imperial ceremonial incorporated Christian terminology and rituals that included processions to and from the great churches of Constantinople and participation in the liturgy. They involved the empress as well as the emperor, and at times imperial participation in the liturgical ceremonies of the Great Church, Hagia Sophia, became a matter of controversy and challenge, when the emperor was felt to be overstepping his designated role. Great imperial occasions including military victories were celebrated with processions and liturgical commemorations. However impressive, such ceremonies and the trappings with which they were accompanied did not always convince: both the people of Constantinople and members of the ecclesiastical hierarchy could and did question and protest about an emperor's policies and claims. Nevertheless, official literature and public pronouncements maintained that the empire and the emperor were protected by God. The fact that there was an overall political theology in Byzantium that also lay behind countless visual representations does not

mean that it was believed uncritically by all. But its very persistence and longevity acted as a crucial support to the empire's survival.⁸

The question obviously arises of how far the church also constituted a structural and ideological support for the Byzantine imperial system. It seems easy to give an affirmative answer on the ideological level: the Byzantines saw themselves as belonging to an empire ordained by God, in which the emperor was God's representative, with the duty of ensuring the flourishing of orthodoxy. But this over-arching view was in practice highly flexible and capable of being reconciled with actual situations, both when emperors seemed to be deviating from orthodoxy and in the face of military defeat. In many spheres, including the legal, the political and the religious, the useful notion of 'economy' (*oikonomia*) could be invoked to justify expedient departures from an expected course of action (Dagron 1990). But the Byzantine 'church' did not speak with one voice. There was a standing synod in Constantinople, that is, a group of senior clergy that could be summoned when necessary, and the patriarch of Constantinople was in a position to have the most say. But like emperors, patriarchs could be deposed (and could in their turn bring about the condemnation of emperors) and their legitimacy challenged. In the seventh century the Emperor Heraclius's marriage to his niece, and two centuries later Leo VI's uncanonical fourth marriage, both incurred ecclesiastical opposition, but patriarchs also fell foul of imperial action. In late Byzantium the patriarchs of Constantinople expressed a high view of their role but the reality was different (Cameron 2008); then and in other periods emperor and patriarch were often locked in disagreement, and a similar level of division existed within the ecclesiastical hierarchy (Cameron 2014). Despite the language of 'pentarchy' (the idea of five patriarchates – Rome, Constantinople, Alexandria, Antioch, Jerusalem – existing in harmony to constitute the universal church), the status of Constantinople in relation to Rome was a matter of tension long before the 'schism' of the tenth century, and it remained a point of contest throughout the rest of the Byzantine period both in relations with the west and within Byzantium itself. Michael VIII Paleologus (r. 1259–82) and John VIII Palaeologus (r. 1425–48), emperors who achieved official union with the Latin church, both encountered fierce opposition within their own church.

There is therefore something of a paradox in the position of the Byzantine church within the Byzantine empire. On the face of it, the imperial structure was supported by a powerful religious ideology and by the existence of ecclesiastical structures deeply embedded in society; in practice, this was also a source of tension and often of bitter division. Similarly the dense network of monasteries in the Byzantine empire, and the close interconnection between monastic and lay, were both centripetal and centrifugal factors. The powerful Stoudios monastery in Constantinople was a centre of iconophile opposition during the iconoclastic period and of influence and patronage after it ended. But emperors were also major patrons and founders of monasteries, and tax concessions and privileges granted to monasteries and to individuals in later periods made monastic foundations rich and powerful at the expense of the state. Nevertheless, the pervasive influence of monastic culture on the whole helped to maintain the overall religious ideology of empire in the face of contradiction and difficulty. It could also be a useful tool of diplomacy and external relations. For Byzantine society, orthodoxy was also far more than a matter of high-level relations between emperor and patriarch; it reached every level of daily life and

practice and contributed powerfully to a sense of Byzantine identity (Krueger (ed.) 2006; Angold 2006). Nevertheless, it was questioned more often than has often been imagined, and despite the repeated efforts made to assert orthodoxy and condemn perceived deviations from it, Byzantium was far from being the orthodox theocracy of popular assumptions. The religious orthodoxy of Byzantium was masterfully promoted at all levels in art, literature and public life. Modern scholars rightly emphasize actual diversity, contestation and struggle. Yet for all that, it remains the case that Byzantium's religious framework was central to its longevity and sustained it in difficult times.

Many diverse peoples and languages coexisted within the Byzantine empire (Laiou and Maguire (eds.) 1992), and although Greek was the language of government and high culture and the terms 'Hellene' and even 'Greek' were sometimes applied to themselves by educated members of the elite in Constantinople from the Comnenian period onwards (Stouraitis 2014), Byzantium was not a Greek empire and Greek was never the only language spoken.⁹ Nevertheless the Byzantines' sense of themselves rested on a shared mythology of universalism and superiority. The first is evident in the frequent use of the term *oikoumene* ('inhabited world') to designate the reach of Byzantium. Moreover, for all the differentiated approach to other peoples in the treatise *On the Governance of the Empire*, the Byzantines saw a clear distinction between themselves and foreigners. The fact that writers continued to use terms like 'Scythian' or 'Persian' for their non-Byzantine contemporaries, even in the last centuries of the empire, was more than a literary trope: it rested on the conviction that Byzantium was superior (Kaldellis 2015; Kaldellis 2013; Shepard and Franklin (eds.) 1992). St Gregory Palamas was unusual in writing about his captivity by the Turks with insight and some sympathy, and it seems that the Qur'an had been translated into Greek by the ninth century, but from John of Damascus onwards most Byzantine accounts of Islam relied on the inherited language of heresy and well-honed negative stereotypes (Cameron 2016). Foreign rulers were invested with Byzantine regalia and titles and their conversion to Orthodox Christianity indicated this belief in the superior culture and religion of Byzantium. In the sphere of diplomacy, the well-known visits of Liudprand of Cremona to Constantinople in the tenth century betray the positive and less positive impressions created on a foreigner of the carefully staged pomp and display of the court (Shepard, chapter 2 in this volume). The palace of the shoguns in Tokyo, with its series of reception rooms through which the visitor must pass before finally arriving in the shogun's presence, mirrors the arrangements for the reception of Sasanian envoys in the sixth century as recorded in the *Book of Ceremonies* (DC I, 89). Byzantine missions, whether under Justinian or later to the Slavs, were founded on the idea that Byzantine Christianity was a good to be exported to others (Fowden 1993; Obolensky 1971), and many references in Procopius's *Buildings* testify to Justinian's view that reconquest also implied religious mission (Cameron 1985: 90–94). The Byzantines also saw their rule over others as benign, even at times claiming that Byzantium headed a family of nations, a type of thinking reflected in the term 'commonwealth' applied to Byzantium in modern scholarship (Obolensky 1971; Fowden 1993).¹⁰ In fact Byzantium's reach was wider, its relations with other peoples more complex, dynamic and fluid than this model implies, and the members of the 'commonwealth' less passive, while the 'global' Byzantium of recent scholarship envisages a much broader canvas against

which to set the Byzantine empire (Maas and di Cosmo forthcoming). Connectivity, transnationalism and interconnection today provide more appropriate historiographic models for the influence of Byzantium than Byzantium's own beliefs about itself. Indeed, the deep-seated and longstanding myths such as the ones outlined here made it difficult for the Byzantines to deal with a changing world and the rise of other kinds of political entities, and at times stood in the way of more pragmatic relations with other groups and peoples. At the same time however they also acted as powerful reinforcements for the imperial model.

Byzantium also relied on an ideological justification for its military campaigns. It may not have had a doctrine of holy war as such or a theory of just war in western terms (Koder and Stouraitis (eds.) 2012; Kolbaba 1998; Stephenson 2007; Stouraitis 2012), but emperors launched military campaigns in the name of religion and with the confidence that they were in the right. The Christianization of Byzantine warfare and the mythology surrounding it were only small steps from Roman imperial tradition or from the Roman iconography in which the vanquished enemy was represented in barbarian guise. But they provided another powerful myth to underpin the Byzantine imperial idea.

For many centuries Byzantium was a continuing presence for the west and for the Islamic world alike. It was an object of rivalry and a symbol of difference. In Byzantium itself the fact that that it had developed out of the existing Roman empire and was the successor to a long Roman tradition made for a complex situation, in which different perceptions of its own identity were expressed at different times and contexts, assisted by the existence of a highly developed literary and intellectual culture. Language and sentiments reminiscent of the Roman republic could be evoked (Kruse 2015; Kaldellis 2015) side by side with more obviously imperial terminology, and vestiges of the urban unrest of the fifth and sixth centuries (Cameron 2012: 162–66) lingered on in the behaviour and language of later periods, just as the unruly circus factions of the same period still found a role as the demes in tenth-century ceremonial and acclamations. The genius of Augustus, the first Roman emperor, lay in finding a way of balancing Republican and imperial elements, the price of which was that some basic tensions went unresolved. But in the first centuries of the empire the republican voice that had been expressed in popular assemblies was silenced. Byzantium also had its contradictions, and these included its political terminology, but a popular vote was not among them.

In the context of today's scholarship it is tempting to deconstruct the imperial centre, especially in relation to material culture, and to insist on the actual pluralism of the Byzantine world and the dense networks of connection that linked regional centres without necessarily involving Constantinople. In that broader sense the term 'Byzantine' can denote forms of connectivity and shared patterns that may seem more appealing and allow for more diversity than traditional ways of recounting the history of the Byzantium. Yet imperial reach and imperial structures can also co-exist with cross-cultural action and interchange. There are also dangers in reducing Byzantium to the level of a small and arguably not very important state, squeezed between the medieval west on the one hand and the teeming and complex world of Eurasia on the other. No doubt the Byzantines thought more of themselves than they were entitled to do. But we should not deny Byzantium its place as worthy of study in the context of premodern empires.

ABBREVIATIONS

DC Constantine VII, *De cerimoniis aulae byzantinae*, ed. I.I. Reiske, vols 1–2 (Corpus Scriptorum Historiae Byzantinae) (Bonn: Weber, 1829–30)

NOTES

- 1 Other dates are also adopted, for instance see Shepard (ed.) 2008, with c.500 as its starting point. A rival periodization from a different perspective would see the end of the reign of Heraclius in the seventh century as an endpoint for the Roman empire: Potter 2014; Harris 2016.
- 2 Though the term *basileus* was used alongside the Roman *autokrator* (Latin *imperator*) and *sebastos* (Latin *Augustus*): Kaldellis 2007:65–66. In his argument for republican ideas in Byzantium, Kaldellis 2015 makes much of the use of the term *politeia* for the Byzantine state and *politeuesthai* for ‘govern’ or ‘conduct politics’. However the existence of differing terminologies suggests that careful sifting is required in relation to the context in which these terms are used.
- 3 For the marginality of Byzantium in older comparative analyses of civilisations, with the exception of Toynbee, see Arnason 2000: 43–45; see now however Graff 2016. Wickham 2005 is notable for its comparisons between the medieval west and Byzantium but its chronological range ends at 800.
- 4 The question of continuity has had a fraught history both in modern Greece and in Byzantine studies; in the former case continuity has been used to suggest direct cultural or even ethnic continuity with classical Greece, while in the latter an emphasis on continuity can be taken to support the pervasive but misleading view of Byzantium as fossilized and unchanging. Most current Byzantine historians have reacted against this view by stressing change and diversity, following the examples set by Beck 1978 and Kazhdan and Constable 1982; nevertheless, as I argue here, some basic features were maintained.
- 5 For instance in the palace coups and usurpations that were a feature of Byzantine, as of Roman, imperial rule; emperors were rarely completely safe on their thrones and long-lived dynasties were the exception. Although ‘born in the purple’, that is, in the purple bedchamber in the imperial palace, Constantine VII Porphyrogenitus, to whom we owe the *Book of Ceremonies* and the treatise *On the Governance of the Empire* (*De administrando imperio*), was the illegitimate son of Leo VI’s mistress who had not yet become his uncanonical fourth wife, and was able to become sole emperor only after removing his rivals.
- 6 But was strikingly different from the ways of gaining office in the Roman Republic.
- 7 Figures are given by Hendy 1985 and Treadgold 1995 but caution is needed; for the problems involved in calculations see Haldon 2015a: 360–66.
- 8 Haldon’s recent contributions lay emphasis on this factor, as on the role played by kinship, local variation and the limiting or mediating influence on state power by the landowning elite (Goldstone and Haldon 2009; Haldon 2009: 485, 488–91; Haldon 2015a: 358, 367–68).
- 9 The identification of Byzantium with the medieval Greek state (for which see Magdalino 2016 on Ahrweiler 1975) has much to do with the politics of nineteenth-century Greece and the Greek national state.
- 10 Critique of the ‘commonwealth’ model: Patlagean 2007: 387; Arnason 2010: 502–503; Cameron 2014: 38–39. The centre-periphery model that it implies has been redefined by Shepard in terms of overlapping circles of influence (Shepard 2006a; 2006b), but recent revisionist scholarship is resistant to the implication of Byzantine influence as a one-way process (Raffensperger 2012; Boeck 2015).

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CHAPTER EIGHT

THE ESTABLISHMENT OF MEDIEVAL HERMETICISM

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Charles Burnett

The mystical gnostic religion of Hermes Trismegistus was one of several cults that thrived in the late Classical period. Its roots lay in Egypt, and its sacred texts were first written in Coptic and Greek, but were soon translated or imitated in several languages of the Mediterranean basin. From the beginning they comprised both theoretical texts, concerning the bases of the Hermetic religio-philosophy, and practical (or technical) texts, giving instructions for the rituals or forms of divination. By the eleventh century a corpus of eighteen theoretical texts had been assembled in Greek. This *Corpus Hermeticum* first became available in the West through the Latin translation of its first fourteen texts by Marsilio Ficino in 1463.¹ Up to that date the only Latin theoretical Hermeticum translated directly from a Greek source was the *Asclepius*, whose earliest existence in the form known in the Middle Ages is attested by its use by St Augustine.² The *Asclepius* travelled with the second-century Apuleius of Madaura's 'On the god of Socrates' (*De deo Socratis*) and 'On Plato and his doctrine' (*De Platone et eius dogmate*) and his translation of the Pseudo-Aristotelian 'On the World' (*De mundo*) – works which shared the *Asclepius*' concern about gods and 'demons' (*daemones*); this combination was probably already known to Augustine. In the twelfth century this collection of texts began to be copied again in a significant number of manuscripts.³ It is the contention of this chapter that this new interest in the *Asclepius* can be associated with a renaissance of Hermeticism, when a concerted attempt was made to supplement from Arabic sources the dearth of theoretical and technical Hermetic works in Latin.⁴

THE ASCLEPIUS

The language of the *Asclepius*, in common with that of the rest of the *Corpus Hermeticum*, is that of a mystery religion. Trismegistus is the initiator. Initiation takes place in a sanctuary (*adytum*). It is available only to the few. Initiation leads to knowledge; and knowledge leads to salvation. The salient points are that the universe is one and manifests perfect order; God is the creator of all things, and *is* all things; the forms of all things are already latent in matter (*hyle*) which is accompanied by spirit; matter has to be appropriately prepared before it can receive forms; generation occurs

through generating (i.e. masculine) principles which come from above, and nourishing (i.e. feminine) principles which come from below; the heavens are a perceptible god which administers all bodies; growth and decline are under the control of the Sun and the Moon; the movement of the Sun and the stars determines the times of things; the thirty-six constellations of the zodiac and each of the spheres of the planets has a 'sensible god' (called an 'ousiarch') ruling it, which creates and controls the lower natures. The world of generation and corruption is created out of four elements, but man has a 'fifth part' which comes from the aether; man is a 'great wonder' (*magnum miraculum*), whose nature links the divine to the terrestrial; he can use the power of words, which are spirits declaring a person's whole wish; he can create gods by making statues (*statuae*) or 'likenesses' (*imagines*) out of plants, stones and spices (which have in them a natural power of divinity), and implanting life in them by calling up the souls of demons or angels (*daemones vel angeli*); these man-made gods have the power of looking after things and foretelling the future through lots and divination. These last points provide the rationale for technical Hermeticism. The *Asclepius* ends with a specimen of the Hermetic liturgy: a hymn to the supreme and most high god.

ARABIC TECHNICAL HERMETICISM: TALISMANS AND NECROMANTIA

Round about the year 1100 European thought experienced a change of climate. A new rigour was introduced in theology and spirituality, manifested especially in the Cluniac reform. But there was also a readiness to explore different ways of thinking about the world – ways in which the secular sciences achieved much greater prominence than before. In the later twelfth century, this interest is shown in the translations of the works on natural science by Aristotle, both from Greek (in Italy and Byzantium) and from Arabic (in Toledo). But at first the inspiration came mainly from the Islamic world, with which Latin scholars had contact on three fronts: in northern Spain, in Sicily, and in the Holy Land. Arabic scholars had not only brought the most important works of scholarship from Baghdad to Spain, but also developed their own scholarship there, and most significant in the early twelfth century was the valley of the Ebro, the area of influence of the last vestiges of the Moorish kingdom of Zaragoza, whose kings, the Banū Hūd, were mathematicians.⁵

The agents of the change were a few maverick scholars who travelled great distances in search of wisdom. One of these was Adelard, the son of Fastred, whose home was Bath in Somerset (c.1080–c.1152), but who travelled the length of the Mediterranean, spending time both in Syracuse (Sicily) and in the principality of Antioch. He came to know three Arabic works which included Hermetic wisdom: the *Abbreviation of the Introduction to Astrology* of Abū Ma'shar (Baghdad, 787–886), which mentions some 'lots' of Hermes, used for astrological divination (Abū Ma'shar 1994: 130); the *Centiloquium* of Pseudo-Ptolemy, of which the ninth *verbum* gives the opinions of the 'domini prestigiorum' ('the masters of talismans'); and the *Liber prestigiorum* of Thābit [b. Qurra (Baghdad, 826–901)] following Ptolemy and Hermes. He translated these works into Latin, as part of his study of the science of the stars, by which he and his colleagues were establishing the new profession of 'astrologer'. Adelard's choice of the term 'prestigium' implies that he thought that he had found precisely the knowledge that Isidore of Seville imputes to Mercury (i.e.

Hermes), who 'is said to have been the first to invent magic (*praestigium*)' (*Etymologiae*, VIII, 9, 33). He turns the term 'praestigium' from having a negative connotation to having a positive one, and referring specifically to 'talismans'. For the text provides the instructions for summoning the aid of spirits to empower appropriately prepared inorganic matter. A common term for this procedure was also taken from Isidore: i.e. 'necromantia'. But, while Isidore etymologised the word correctly, defining 'necromantii' as those by whose incantations 'the dead, having been resuscitated, seem to divine the future and reply to questions put to them' (*Etymologiae*, VIII, 9, 11), the usual medieval sense of the word is the summoning of spirits to empower talismans, i.e. a sense much closer to the statue-making of the *Asclepius* (Kieckhefer 1989: 151–75; see also Burnett 1996: 1). The main difference is that the term 'spiritus' or 'spirituale' is used instead of the 'daemones' of the *Asclepius*, which among Christians had acquired the negative sense that 'demon' still retains.

Adelard's contemporary, Petrus Alfonsi, travelled in the reverse direction. He had been born a Jew, and was educated in an Islamic milieu in Huesca, which was part of the kingdom of Zaragoza before being incorporated into Aragón in 1096. After his conversion to Christianity in 1106 he travelled in France and England, where he was closely associated with Adelard. Adelard and Petrus both knew the same version of the Arabic astronomical tables of al-Khwārizmī; it is likely that Petrus brought a copy of these tables to England where both scholars rendered them into Latin in the West Country. Petrus too, was an advocate of the new 'science of the stars', but he also wrote a book on secular education and good manners – *Disciplina clericalis* ('the education of the clerk'). Here he lists 'necromantia' as a viable alternative for one of the seven liberal arts necessary for a complete education, an alternative to be chosen by 'those who admit the possibility of prophecies' (Petrus Alfonsi 1911: 10). Although Petrus does not name Hermes,⁶ he knows of a book attributed to Plato 'on prophecies' (*ibid.*: 34–5), which describes such an expert in necromancy, named 'Marianus', who later appears in Hermetic literature as 'Morienus'.

Adelard does not use the word 'necromantia', but, in his original work, *Questions on Natural Science*, speaks of learning 'incantations from an old woman expert in prestigia (*anus prestigiosa*)' (Adelard of Bath 1998: 193).⁷ In his *Liber prestigiorum* he uses precisely the term in the *Asclepius* – 'imago' – for the talismans whose manufacture he describes;⁸ this term became the norm, and 'scientia imaginum' was an alternative name for 'necromantia'. As an example of how to summon spirits, we may take the invocation prescribed in the *Liber prestigiorum* for bringing about love between two people:

O shining spirits of the planets, you who descend from *al-'alām* (i.e. the macrocosm),⁹ effectors of good and evil! Bind the spirit of Socrates, son of Sophroniscus, to the heart of Plato. Let their will and desire be one; let loathing and rejection be absent; but let the imagination and memory [of the other] be always present. Be present, too, spirits of the hours of the planets, not only by day, but also in the night and in their dreams. Bring the picture of Socrates' image before Plato's eyes to such an extent that, all other feelings excluded, he gives himself totally to him, by the power of God.

This invocation is pronounced as one fumigates the talisman with incense.

HERMES AND CHARTRES

Adelard and Petrus were by no means isolated figures operating on the fringes of the twelfth-century academic community. Petrus's *Disciplina clericalis* became an immediate best-seller, and Adelard's versions of Euclid's *Elements* and al-Khwārizmī's astronomical tables were introduced soon after their composition into the foremost centre of learning in France at the time: the cathedral school of Chartres. This may have been largely the work of the enterprising chancellor of the cathedral, Thierry, who apparently commissioned translations from Arabic, and incorporated some of them into his vast and ambitious 'Library of the Seven Liberal Arts' (*Heptateuchon*; early 1140s), in which he attempted to put the whole of secular learning within the covers of two massive volumes. In his original works Thierry uses the *Asclepius* as a direct source at critical points. In the culmination of his praise of man's potential in his *Glosa* on Boethius' *De Trinitate*, he states, on the authority of 'Mercurius', that in certain cases this can lead him even to becoming a god.¹⁰ In his innovatory commentary on the first chapter of Genesis, *On the Works of the Six Days*, he quotes at length the description of God, spirit and matter (*byle*) from 'Mercury in that book which is entitled "Trimegistus"' (Thierry of Chartres 1971: 566). Thierry claims that some people denounce him for being a 'necromancer', but his extant works do not include any references to talismans.¹¹

THE COMBINATION OF THE ASCLEPIUS WITH ARABIC HERMETICA: HERMANN OF CARINTHIA

Hermann of Carinthia (*fl.* 1138–43) is another wandering scholar who was lured from his homeland to search for wisdom. He was first attracted, apparently, by the reputation of Chartres, for he calls Thierry his teacher, but then went on to the south of France and northern Spain to find Arabic texts on geometry and the science of the stars. In this, he collaborated with Robert of Ketton, who became an archdeacon in the church of Pamplona. At the same time Peter the Venerable, the reforming abbot of Cluny, was also travelling in search of information: this time, for reliable interpretations of the scriptures of the Muslims, in order to ward off Islam with the tools of reason. The reforming movement of the Church and the new interest in secular science met in the persons of Hermann and Robert. For, such was their reputation as interpreters of Arabic, that, in 1141, Peter the Venerable commissioned them to translate the Koran and other Islamic texts (Iogna-Prat 1998, *passim*).

Hermann knew the *Abbreviation of the Introduction to Astrology*, probably in Adelard's translation, which he replaced with a translation of Abū Ma'shar's *Introduction* itself, and translated several other texts on geometry, astronomy and weather forecasting from Arabic, one of which he dedicated to Thierry. In his original work, *De essentiis*, completed in Béziers in 1143, he shows his interest in works favoured by Thierry: both the *Asclepius* and Plato's *Timaeus*, another text which became popular in the early twelfth century for its cosmological ideas.¹² The form of the *De essentiis* is based on that of the *Timaeus*, but its contents betray Hermann's intelligent use of a wide range of Latin and Arabic sources. Prominent among these are Hermetica. Hermes and 'Trimegistus' are quoted by name more than any other authority.

For Hermann, ‘Trimegistus’ is the author of the *Asclepius*, and ‘Hermes’ is a Persian philosopher ‘whom the Arabic histories concerning the first authors of astronomy mention, long before Porus who was a contemporary of Alexander of Macedon’ (59vA). The distinction between Trimegistus and an earlier, more divine, Hermes is already implicit in the *Asclepius* in which Trimegistus mentions ‘Hermes, whose family name I bear . . .’,¹³ and is made more explicit by St Augustine in his *City of God*: ‘. . . the elder Hermes, whose grandson was Trimegistus.’¹⁴ But Hermann may have known from Arabic sources of a succession of three Hermes, of which the last one passed his wisdom to Asclepius. For Abū Ma‘shar relates such a story in his *Kitāb al-ulūf*, a work which Hermann cites (Pingree 1968: 14–19). The legend of the three Hermes, however, was also present in Arabic alchemical circles, from which Robert of Chester, who may be the same as Hermann’s colleague Robert of Ketton,¹⁵ took the information in the preface of his translation of the earliest attributable translation of an Arabic alchemical work into Latin, the *Liber Morieni* (this ‘Morienus’ is the same as the ‘Marianus’ known to Petrus Alfonsi). In this preface, Asclepius is not mentioned, but the third Hermes is described as ‘Ter megistus’ and is said to have ruled in Egypt (Burnett 1996: V).

These legends pointed out the continuity of the mystical-philosophical learning preserved and revealed by a succession of avatars of the God Hermes, and gave a rationale for medieval scholars to recover and pass on this lore. Hermann sets the scene for this learning in the preface to his *De essentiis* in which he refers to the joint studies of Robert and himself in terms of a mystery religion. The studies have taken place in ‘sanctuaries’ (*adyta*: Hermann uses the same word as that which occurs at the beginning of the *Asclepius*), and in writing about them for a more general public Hermann fears to incur the crime of Numenius, who dreamt that, in publicizing the Eleusinian mysteries, he had made prostitutes out of the goddesses. Religious scrupulousness (*pietas*) prevents Hermann from revealing the underclothes (*interulae*) of wisdom, which he and Robert had acquired from the innermost treasures of the Arabs (58rD–E).

Hermann, like Thierry, quotes the *Asclepius* at climactic points in his work. For example, he ends the first of the two books of the *De essentiis* with an evocation of the harmonic make-up of the universe, as a result of which the higher parts of the world elicit the movements of the lower by sympathetic vibration:

hence Trimegistus, too, understood that nothing is a more pleasing gift to the gods from men than the performance of music, since from time immemorial music alone has been deemed worthy for praising the deity, because those wonderful choruses of the celestial virgins chant it in perpetual harmony to preserve the peace of the whole body of the universe.

(68rH–68vA; cf. *Asclepius*, 9)

Hermes, on the other hand, is the venerable authority of Abū Ma‘shar (63rG), whose cosmological theory, including the law of movement by sympathetic vibration, Hermann follows above that of any other source.

The authority of Hermes and Trimegistus come together in the section of the *De essentiis* devoted to ‘incorporeal animals’ (72rG–73vF). Here Hermann refers to Trimegistus’s teaching on man-made gods and the reason why different gods

are worshipped by different peoples. But he adds a detail from the *Aurea virga* ('The Golden Bough') in which 'Hermes recites the very words addressed to him by his familiar spirit (*privatus*) speaking to him' (72vD); a Hermetic work known as 'the Golden Bough' is mentioned in the *Fihrist* of the tenth-century Arabic bibliographer, al-Nadīm, but the text itself has not been identified. A more substantial quotation is taken from another Hermetic work that Hermann calls 'Aristotle's *Data neiringet*'. The quotation is long enough to make it clear that this has the same subject-matter as the group of works with names ending in *-ātīs*, *-īīs*, *-ūtās* and *-akhis*, which purport to be the words of Hermes as reported by Aristotle. Characteristic of these texts is a cosmogony in which the importance of spirits and the central position of man is emphasised; the animal, vegetable and mineral parts of the universe are interrelated, and detailed descriptions are given on how to bring together related parts in order to prepare talismans for the reception of spiritual forces. The word used for such talismans is the Persian term 'nairanjāt', which is the word that appears in the title given by Hermann (probably = *dhāt an-nairanjāt*, 'the essence of the talismans').

A Latin text is extant with the heading: 'Liber est spiritualium operum Aristotilis et est liber Antimaquis qui est liber secretorum Hermetis. Opera mira possunt operari per hunc librum et est liber antiquus septem planetarum' ('This is the book on operating spiritual forces by Aristotle, and it is the book of *Antimaquis* which is the book of the secrets of Hermes. Wonderful things can be performed by means of this book, and it is the ancient book of the seven planets').¹⁶ This text corresponds to portions of two extant Arabic texts of this genre: one entitled 'a commentary on the book of the *Madātīs*', the other described as 'the book of Hermes on the spiritual forces' (*kitāb Hirmis fī'l-rūḥānīyāt*) which is the second part of 'Hermes's *kitāb al-Ustūwaṭās*'. Both Arabic and Latin texts describe the relationship of the macrocosm to the microcosm in great detail. Man's head corresponds to the firmament, his chest to the sphere of the twelve signs, and his feet to the earth. Through the seven 'doors' of his head – two eyes, two ears, two nostrils and mouth – which are assigned to each of the seven planets – the spiritual influx passes into the chest, where it rules the seven interior organs, the heart, the stomach, the lungs, the liver, the spleen and the two kidneys. In each of these organs resides one psychological faculty, such as intelligence, anger, love, etc. Then in man, too, there are correspondences with the whole of the created world: the heart is in sympathy with two-footed animals, the liver with four-footed animals; to the lungs belong birds, to the spleen, fish; while insects are assigned to the kidneys. More obvious parallels are drawn for the blood (= water), the veins (= rivers), the sinews and nails, which are like rocks, and the bones which are like the mountains. The hair is like plants and trees, while the parts of the body without hair are like deserts. There follows a cosmogony, culminating in an account of the creation of the first man and woman. The artificer God in the *Asclepius* is paralleled by the powerful spirit called Hādūs in the Arabic manuscript, and both texts have as their centrepiece the eulogy of the greatness of man. The well-known phrases of the *Asclepius* – 'a human being is a great wonder . . . everything is permitted him . . . he is everything, and he is everywhere' (*Asclepius*, 6) – are echoed in the description in the *Antimaquis* and the corresponding passages in Arabic of man as 'having power over all creatures; he knows all knowledge; he can do all things, see all things, hear all things, eat all things, drink all things. This is because

he is the form of forms, embodying in himself the whole of creation, to which he is also connected by the matrix of spiritualities’.

The *Antimaquis* is not a translation by Hermann; its style is completely different, and the passage from the *Data neiringet* does not correspond verbally with the relevant passage in the *Antimaquis*. Nevertheless, Hermann’s quotation of a related work suggests that this rich body of Hermetic material was available to him. In the case of another Hermetic work that he uses, however, we can be more sure that he knew the whole work. This is the *De secretis nature* attributed to Apollonius of Tyana (a contemporary of Jesus Christ). Hermann reports an episode in the discovery of the text by Apollonius underneath an altar of the Sun while he was alone in the desert (72vE–F). In another context Hermann brings together a quotation from Apollonius with one from the *Asclepius*, concerning the pre-eminent role of the Sun and the Moon in all sublunar generation.¹⁷

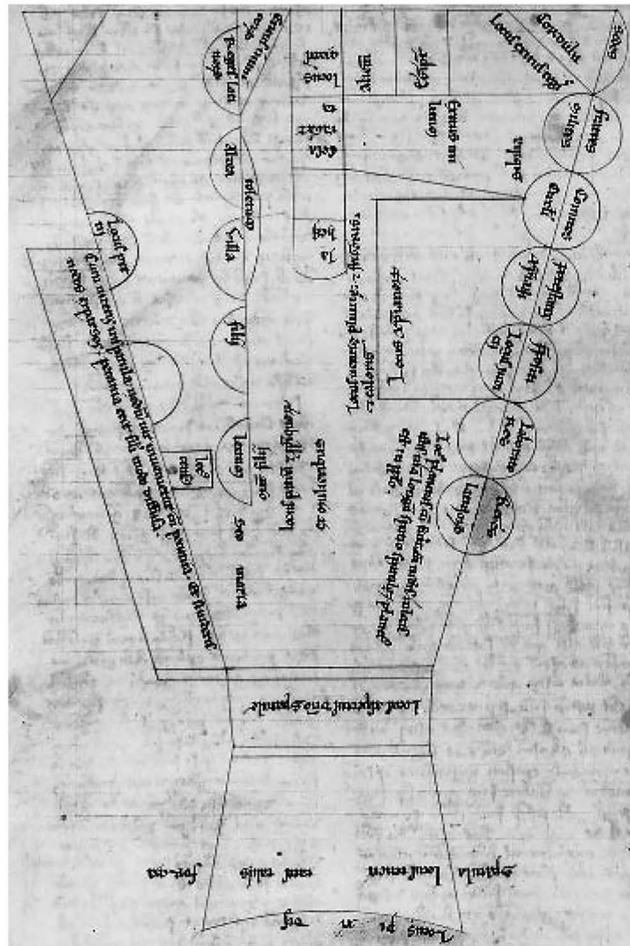


Figure 8.1 The right shoulder-blade of a sheep with places marked in Latin. © Bodleian Library, Oxford, MS. Canon. Misc. 396, fo. 112r. (see p. 135).

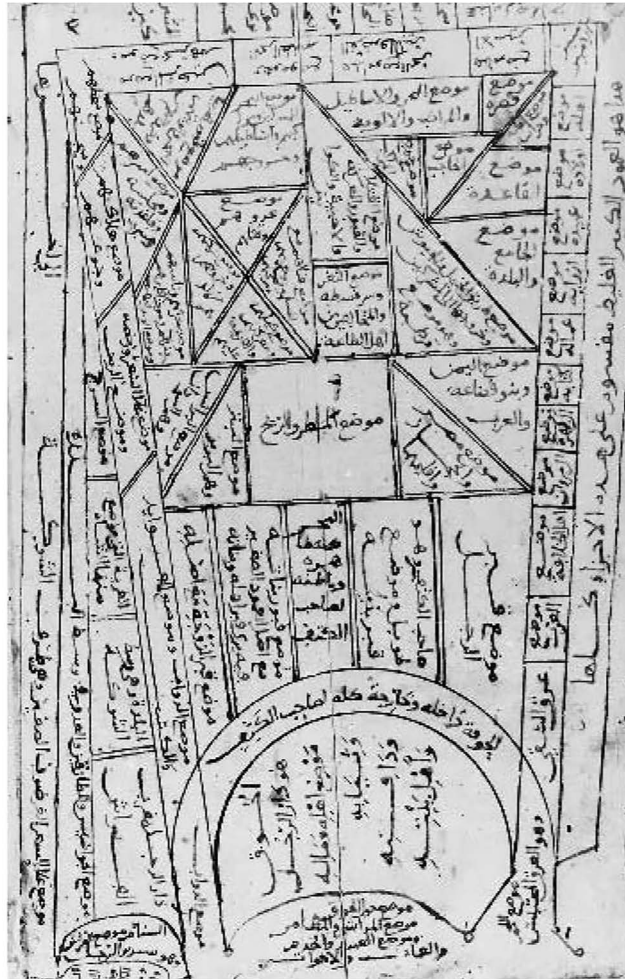


Figure 8.2 The right shoulder-blade of a sheep with places marked in Arabic. Istanbul, MS. Nuruosmaniye 2840. Photo: Ian Bavington Jones.

HUGO OF SANTALLA

Fortunately, Apollonius's text has survived, both in Arabic and in a Latin translation. The latter was made by Hugo of Santalla, who dedicated his translations to Michael, bishop of Tarazona from 1119 to 1151.¹⁸ Tarazona was only a few miles from the Ebro, on whose banks Hermann and Robert had been working. The Latin translation tells the story of the discovery of the text by Apollonius underneath a statue in his home district. On the statue were some enigmatic instructions written by Hermes himself. Apollonius succeeded in interpreting these, and discovered a cave under the statue in which, after some adventures, he found an effigy of an old

man with an emerald tablet in his hand and a book in front of him. The book was the *De secretis nature*, the tablet, the Emerald Tablet (*Tabula Smaragdina*), which was to become the most important text of Hermetic doctrine for Western alchemists, and of which Hugo's Latin text was apparently the earliest version (Ruska 1926: 177–9). The last page of the *De secretis nature* finally reveals the contents of the Emerald Tablet, and here the Hermetic nature of the text, and Hugo's attitude to it, is made clear. Hugo writes:

Having done everything that was promised, whatever Apollonius explained in this book about the secrets of nature and the recognition of things we too have poured out with a corresponding illuminating explanation, leaving out only a little. . . . At the end of his volume Apollonius says this: 'The whole teaching of the secret causes of things which the book of Hermes contained I have described in this volume for myself, my sons and any scion of philosophers, on this condition and with the pronouncement of this anathema: that access to this treasury of wisdom should not lie open to anyone lacking in wisdom and unworthy of it. For these are the secrets of Hermes which, to guard them from less learned men, he buried, keeping them hidden in his own hands in a crypt, and raising a statue on top, so denying access to the less discerning rabble. Whoever takes pains to study them carefully will obtain the leadership in philosophy over all his contemporaries.' These are the words which Apollonius wrote at the end of his volume, leaving them to speak for themselves (*sine omni expositione*). He said: 'Entering an underground crypt, I saw a tablet of emerald between the hands of Hermes, written in this intricate truth of words (*hac verborum intricata veritate descripta*):

Higher things from lower things, lower things from higher things,
The operation of wonders (*prodigia*) from the One, just as all things draw
their source from one and the same thing –
one and the same administration of the Plan (*consilii administratione*),
Whose father is the Sun, whose mother the Moon.
The wind raises them in her bosom, the earth loses its bitterness.
You, then, children of talismans (*prestigiorum filii*), workers of wonders,
perfect in your discernment,
generously, prudently and wisely refine what becomes earthy out of the
subtle fire which excels all grossness and bluntness.
It will ascend from earth to heaven, it will slip down from heaven to
earth,
containing the force and power of higher and lower things. Hence all
darkness is illumined by it,
whose power transcends whatever is subtle and penetrates every gross
thing.
This operation is able to subsist in accordance with the make-up of the
macrocosm.'
This is what Hermes the philosopher calls the triple wisdom and the triple
science.

This exuberant but enigmatic hymn occurs in the same position in the *De secretis naturae* as does the hymn in the *Asclepius*, and shares several of the conceits of Trismegistus, such as the unity of all things, and administration assigned to the Sun and the Moon (cf. *Asclepius*, 3). The opening and closing passages of the *De secretis naturae* express the exclusiveness of the Hermetic doctrine, which must be preserved among select wise men. They also show Hugo's personal involvement in the subject-matter. Hugo, the *magister*, uses terminology from the Latin tradition, such as 'prestigia', the Classical word re-employed by Adelard for 'talismans', and 'discretio' (in place of the Arabic 'quwwa' = 'power'), which is Adelard's favoured word for the power of discernment of the rational soul. He brings the Arabic material into the Latin Hermetic tradition.

Hugo used the same word for talismans – *praestigia* – as did Adelard, and also drew on Isidore's *Etymologies* for the names of divinatory texts that he sought to rediscover for Latin readers. He identified Arabic sand-divination with Isidore's 'geomantia', and translated a text on it, but had still to find 'aeromantia', 'piromantia' and 'idromantia'.¹⁹ However, he made a point, above all, of translating works attributed to Hermes or depending on Hermes' authority. Among these were astrological texts: 'the hundred words' (*Centiloquium*) attributed to Ptolemy, whose 51st 'word' was Hermes' method for predicting the time of the birth of a child, and a 'book by Aristotle containing the sum of the 255 volumes of the Indians on all questions relating to nativities and the revolution of nativities' (Hugo of Santalla 1997), among whose authorities were, allegedly 'thirteen books of Hermes which they call the books of the secrets of nativities and interrogations . . . and another eight books by the same author . . . concerning what machinations the inner mind is deliberating and what issue those thoughts will have . . .' (Pro. 18–19); later in the same text we read that 'Hermes is the leader in this teaching as he is in all others' (III i 9, 22), he is 'the most skilled of the astrologers' (III ii 2, 43), and that 'people think he is the same as Buzurjmihr, the Persian sage'.²⁰

A text attributed directly to Hermes and translated by Hugo is on weather forecasting: 'the book of rains produced by an ancient astrologer of the Indians called Jafar, but then abbreviated by Mercury of Cyllene'.²¹ He also translated two books on divination by the shoulder-blades of sheep. One of these begins 'Incipit Liber Amblaudii et Hermetis . . . Hunc igitur librum, cuius auctor apud Caldeos Amulbarhis, apud Grecos Hermes fuisse legitur . . .' ('Here begins the book of Amblaudius and Hermes . . . This book, whose author is said to have been Amulbarhis among the Chaldeans, but Hermes among the Greeks . . .').²² This Latin translation closely corresponds to an Arabic text attributed to the well-known ninth-century Arab philosopher al-Kindī (whose name may lurk behind the corruption 'Amblaudius'; Baghdad, c.800–870), but which in turn depends on a text attributed to 'Hermes the Philosopher' ('al-ḥakīm') of which a chapter survives. Hugo, following his Arabic source, gives the rationale for shoulder-blade divination as follows (Hugo's verbose phrases have been slightly abbreviated):

Among the many kinds of gifts of graces which God, the highest creator, wished to bestow from the treasury of his charity onto all people, the rain pours down the hidden thing of this discipline and an inner force into the very plants or grasses of the earth as the manna of His own grace and wisdom, and He marked

in a marvellous way (as He wished) the shoulder-blades of those animals which feed off sustenance of this kind as if with traces and such a great secret and mystic gifts in order to instruct the ignorance of the human race. If anyone . . . wonders at the signs of the earth, the movements of the air, the reflexion of fire and flame, the flowings of waters, and what these portend [*i.e. geomancy, aeromancy, pyromancy and hydromancy*], the recognition (of the truth) of these things will not escape him. Since in these lower circles [*i.e. earth, air, fire and water*] no things exist without cause or in an otiose way, earthly things too – all of which we believe have been established for the use of men – should exhibit the effects of the same (circles). For there is in grasses, and rightly in those things that are the fuel of life, a certain force which the Creator Himself knows, inherent naturally by reason, which instils by a divine intimation the signification of superior beings, and as it were certain impressions and marks of this signification into the bodily members of grazing animals.

As far as we know, Hugo wrote no original works. However, his prefaces (such as the one just quoted), while often including material from the original Arabic prefaces, are written in the first person of the translator, and presumably express his point of view. The tone of his prefaces conjures up a secret society of mystical religio-philosophy. For example, in his preface to the *Centiloquium* of Ptolemy, Hugo exhorts his dedicatee ‘not to commit the secrets of such wisdom into the hands of any unworthy individual’, and in his preface to the geomancy he describes how God instils a kind of intuitive knowledge into select individuals, and the bonds which are thus established between them are parallel to the bonds which govern and preserve the universe.

This secret society, aside from recalling that of the *Asclepius*, would suit the ‘adyta’ in which Hermann says that Robert and he had been studying,²³ and there are evident connections between the three scholars. While the *Centiloquium* of Pseudo-Ptolemy which Hermann quotes was available in several Latin translations, the Latin translation of Apollonius’s *De secretis nature* was little known. Moreover, Hermann’s biological account of cosmos, in which the elements are ‘seeds’, generation is caused by the ‘marrying’ of masculine and feminine elements, and everything is connected through bonds of love, corresponds to the philosophy of the *De secretis nature*.²⁴

Hermann, Robert and Hugo were active at the same time and in the same area, and Hugo and Hermann’s technical terminology is remarkably similar. But there is more tangible evidence that the three scholars collaborated. For Hermann, Robert and Hugo all seem to have been involved in an elaborate project which was to replace the superstitious astrology of their Latin contemporaries with an exalted science of the stars which had as its principal authorities Hermes and Ptolemy. The plan is described by Robert, who, in a letter to Peter the Venerable, promises ‘a celestial gift which embraces within itself the whole of science, revealing according to number, proportion and measure, all the celestial circles and their quantities, orders and conditions, and, finally, all the various movements of the stars and their effects and natures and everything else of this kind’ (Hermann of Carinthia 1982: 6).

The project evidently involved translating the most authoritative Arabic texts on judicial astrology²⁵ and arranging the chapters from each of these translations

according to subject. Robert contributed by translating on Hermann's request a text on the subject by al-Kindī, 'the most authoritative of the masters in this science', and the earliest form of the project included only three Arabic astrologers, al-Kindī, Sahl ibn Bishr and 'Umar ibn al-Farrukhān.²⁶ The manuscripts of this 'Book of the Three Judges' (*Liber trium iudicum*) give two dedicatees, Michael, Hugo's patron, and 'mi karissime R.' ('my dearest R.'), who can hardly be anyone other than Hermann's dearest friend, Robert of Ketton, but the style of the preface is that of Hugo.²⁷ The full version – the 'Book of the Nine Judges' (*Liber novem iudicum*) – consists of the three judges plus four more, and a long section ('introitus') introducing the concepts and terms of astrology, drawn from a different selection of four Arabic authors (making nine different authorities altogether). Between the *introitus* and the judgments is an elaborate essay which bears indications of the hands of both Hermann and Hugo.

The preface to the *Book of the Three Judges* emphasises the exalted nature of the science of the stars, and, while it does not refer to Hermes or the *Asclepius* directly, it quotes from both Apuleius' *De deo Socratis* and his *De Platone et eius dogmate*, which accompany the *Asclepius* in the twelfth-century manuscripts of the work. In the essay within the *Book of the Nine Judges*, however, the Hermetic authority for the material is made explicit. It is here that we find the Latin authors describing the exalted nature of their subject matter, and firmly situating it within the context of Hermetic knowledge. The following sentences²⁸ summarise certain parts of this essay, and give some feeling for the tone of the writing:

The wonderful nature of our subject demands that we should approach it with awe and great care. We seek to understand nature by turning our attention to the movements of created things, and the variety of the movements of the planets and stars. . . . Our science is revealed only to the intelligent chosen ones. It is based on the soundest authorities: first, Hermes, the follower of Abidemon, who investigated the kinds of movement which led to effects. Then Ptolemy, who added to this knowledge the notion of a correspondence in the proportions of the substances of the lower world and those of the heavenly natures, thus setting up a cosmological system in which one part vibrates in sympathy with the movement of the other. This explains the reason why the forces of the stars are felt not only in other animate beings,²⁹ but also in inanimate beings. They are felt intimately by animate beings, but they are received more swiftly by inanimate ones. This movement in inanimate beings conforms to a greater or lesser degree with the movement of the stars according to the aptitude of the form of the being for taking up that movement, and the relationship of its matter to the matter of the stars . . . How, then, can the heavens seem redundant?³⁰ Both Trimegistus and Plato support our view. According to Plato, all mortal things, whether they are produced by the mixing of different things, or from procreation within one species, reach their perfection to the extent that they are influenced by the heavenly bodies. Man was God's last creation, but he is not in consequence the least significant of created things. For, not only did God make him of two substances – a heavenly (soul) and an earthly (body) – He also refined that earthly element by making it conform to heaven – for the heaven itself had a body and a soul. Man was only the final thing to be caused in order that he might be obliged to use

his intellect to climb back up the ladder of causes and effects until he rose to the level of contemplating the First Cause itself. But as men (in the course of history) climbed this ladder of causes they reached a stage where they were looking at the movements of the heavens, which first impressed them by their beauty, then by the regularity of their laws.

The doctrines and attitudes expressed here correspond to those in Hermann's *De essentiis* and Hugo's prefaces. They amount to a self-consistent cosmology and anthropology which, on the Latin side, drew on the *Asclepius*, Apuleius's philosophical works and other Neoplatonic writings, on the Arabic, on writings attributed to Hermes and his followers Apollonius, Thābit b. Qurra and Abū Ma'shar. This Hermetic cosmology was an alternative system to Aristotelian cosmology. Unlike their contemporaries in Italy and Byzantium, and later translators in Toledo, Hermann, Robert and Hugo played no part in the recovery of Aristotle's natural science and metaphysics. They were drawn in another direction. They wished to establish a science which led to a virtuous life, and therefore embraced a practical as well as a theoretical dimension. The theoretical dimension focused on the wonderful nature of man and his unique relation to the creator God, and, as such, contemplated in particular the highest element in God's creation, i.e. the heavens. This science therefore was most appropriately linked with astronomy, which, in the words of the preface to the *Book of the Three Judges*, 'not only had obtained the ultimate position in mathematics, but also, being the most sublime, had merited the highest dignity' (Burnett 1977: 78). One form that the practical dimension took was that of the work of alchemy and the pursuit of the philosopher's stone. As we have seen, an early translation of an Arabic work on alchemy was made by Robert of Chester, but research on the rich and complicated Arabic-Latin tradition of alchemy is at such an early stage that it would be premature to make any further comments on this here (Halleux 1996). Another form of practice was astrology and the concomitant divinatory arts. The underlying Hermetic cosmology elevated these practices onto a spiritual level and endowed their practitioners with the reputation of sages.

To what extent these Latin scholars were influenced by mystical-philosophical sects already established in Jewish and Arabic circles in Spain is difficult to assess, and needs further research.³¹ The one slender testimony we have concerning the original Arabic texts of Hugo's translations strengthens the impression that the Arabic texts too were transmitted in the context of secrecy and mystery. For he writes that he found an astronomical work 'among the more secret depths of the library' (*inter secretiora bibliotece penetralia*) of Rueda de Jalón, the stronghold to which the Banū Hūd escaped after the fall of their kingdom of Zaragoza in 1110 (Haskins 1927: 73).

But there is a contradiction in the work of Hermann, Robert and Hugo. Although Hugo might repeat the words of his original texts about the necessity for secrecy and selective initiation into the mysteries, he dedicated his translations to a public figure, Michael, bishop of Tarazona. Hermann goes further in admitting, in the *De essentiis*, that he is revealing the mysteries to a general public, and he and Robert promote their works among two of the leading churchmen and educators of their day, Peter the Venerable and Thierry of Chartres. The authority of Hermes, the alleged contemporary of Moses and supposed prophet of the birth of Christ,³² may have been thought to be sufficient to make his writings acceptable by Christians; an

anonymous twelfth-century author of a work on medical astrology could assume that the trinity associated with Hermes was the Christian Trinity.³³

How much support this new Hermeticism enjoyed is unclear. Two English works written within the twelfth century betray a sympathetic knowledge of the new Hermetica: the *Philosophia* of Daniel of Morley, who quotes the *Asclepius* (as 'Trimegistus') and 'Magnus Hermes', and knows a 'Book of Venus' by 'Thoz the Greek'; and the *Liber Hermetis de sex rerum principiis*, which mentions the *Virga aurea* and the book on alchemy by Morienus, and also attributes a text by Adelard of Bath (his *Ezich*, or translation of the astronomical tables of al-Khwārizmī) to Hermes.³⁴ Both authors are clearly indebted to the work of Adelard and Hermann. On the other hand, Bernardus Silvestris of Tours, who dedicated his *Cosmographia* to Thierry in 1148–9, adopted elements from the *Asclepius* and from Apuleius's philosophical works with enthusiasm (Dronke 1978: 17, 72–5), but his knowledge of any of the Arabic Hermetica has yet to be proved.³⁵

HERMETICISM IN THE THIRTEENTH CENTURY

Where a continuation of interest in Hermetica can be demonstrated is at a less literary and more pragmatic level, namely among some thirty titles of books on the practice of the science of talismans ('imagination scientia') in the *Speculum astronomiae*, usually attributed to Albertus Magnus, and written in 1255–65. The author classifies these books according to their attribution to Hermes (with whom Apollo-nius is associated) and Thoz the Greek, to Solomon, to Muhammad, and to Raziel; the first category is by far the largest.³⁶ What is striking is that, when we leave aside the translations of Adelard, Hermann, Robert and Hugo, the great majority of these texts are anonymous translations.³⁷ This might suggest that the Latin translator was afraid of revealing his identity because he feared criticism from the Church. But a likelier explanation lies in a change of translation style in the second half of the twelfth century.

It is at this time that the Arabic–Latin translation movement became centred on the city of Toledo and the activity of Gerard of Cremona (1110–87). A characteristic of the literal translations of Gerard of Cremona and his followers was the absence of prefaces and the absence of the translators' names (Burnett 1977: 65–6). That Hermetic works were translated and studied in Toledo is indicated not only by the occurrence in some of these works of terminology found in the translations of Gerard, but also by the persistence of legends of Toledo being a centre for the study of 'necromancy', which, while obviously exaggerated, probably had a basis in fact (Ferreira Alemparte 1983). If the translations originate from Gerard's circle, it is not surprising that they are anonymous.

Nevertheless, thirteenth-century discussions of Hermetic science betray a critical attitude towards it which is not present among the scholars of the valley of the Ebro. The aim of the *Speculum astronomiae* was to sort out which books in the area of the science of the stars were licit and which illicit. Talismans which rely on the power directly drawn from a celestial figure inscribed on them are allowed. However, two other categories of talismans are to be condemned: those which use inscribed names in unknown languages and 'characters' (symbols), since these inscriptions might disguise what is against the honour of the Catholic faith ('Solomonic magic'); and

those which require the burning of special herbs ('suffumigations') and the chanting of invocations ('Hermetic magic'). Both these condemned types are characterised as 'necromantic'; the necromantic element being that, in the first instance, the names of planetary (and other) angels may be inscribed, in the second instance, the angels are summoned. The author of the *Speculum* suggests that these 'angels' are not angels but 'daemones'. While using the two terms already found in the *Asclepius*, 'daemones' now has its negative connotation, which was general in the Middle Ages. In a later chapter (ch. 19), geomancy, hydromancy, aeromancy, pyromancy (the 'mancies' Hugo promised to translate texts on), as well as chiromancy, are said to be 'coterminous with necromancy' (*quorum nomina necromantiae sunt conterminalia*).

A more thorough condemnation of Hermetic science, which embraces both the Latin *Asclepius* and the Arabic *Hermetica*, is found in the work of William of Auvergne, bishop of Paris from 1228 to 1249. In his *De legibus* he equates the talismans made by his contemporaries with the man-made statues described in the *Asclepius*, nicely bringing together the terminology from the Latin and the Arabic traditions (*De legibus*, 23, 66–7):

The third kind of idols, or talismans (*imagines*) were, according to their opinion, a man-made God (*deus factitius*), i.e. in which a kind of splendour of divinity and power of spirit (*numen*) was poured in or impressed by celestial spirits or the heavens themselves and the stars and luminaries, and this pouring or sculpting or fabricating³⁸ was done according to their observations of certain hours and constellations. The survivals of this error are still with us among many Christian old women . . . They have ordained suffumigations, forms of words and incantations for these talismans (*imagines*) as if they were true Gods, although man-made. Mercury Trismegistus extolled this invention in the book which he wrote 'de hellera', i.e. about the God of Gods,³⁹ saying these words, that 'among all the wonderful things, the most wonderful is that man could discover the divine nature and create it (*Asclepius*, 37)'. He also says there expressly that some gods are natural, others man-made (*factitii*).

William then quotes the relevant passages of the *Asclepius* in full, to demonstrate that Trismegistus really meant what he appears to be saying, and ends with the phrase concerning the gods' enjoyment of music that Hermann quoted so enthusiastically at the conclusion of the first book of his *De essentiis*. He then proceeds:

Whether Mercury by these words understood these two kinds of idols and execrable talismans (*imagines*), or only that kind to which he says the souls of *daemones* have been given, it can in no way be doubted that he attributed a divine virtue and nature to false statues or talismans (*imagines*) of this kind, whether made only under certain constellations, or with dreadful sacrifices and orations, inscriptions and figures added to these constellations. Others seem to have been seduced into this same error from their attitude towards the planets, the luminaries and the heavens: for just as they believed that from the favour of the constellations under which they were born, certain men acquired superiority

over others, i.e. as kings, princes, prophets or wise men, so certain powers not so much of obtaining as of providing these things were credited to talismans (*imagines*), and this can be read explicitly in the books they wrote about talismans (*praestigia et imagines*) and other sacrilegious malpractices.

William then gives some examples from *libri de imaginibus*, concerning talismans for ridding one place of flies, another of scorpions, and for liberating someone from captivity, and ends the chapter with an uncompromising attack on all forms of idolatry, of which the ‘cultus daemonum’ is the first. His wording might be strong, but his attacks here and elsewhere⁴⁰ at least attest to the success that twelfth-century scholars had in blending the Latin Hermetica of the *Asclepius* with Arabic Hermetica. However, it is a measure of the success of both his attack and that of the author of the *Speculum astronomiae* that virtually none of the Hermetic texts mentioned by both authors, except the *Asclepius* itself, survive in manuscripts of the thirteenth or early fourteenth century. They had, as it were, been driven underground by officialdom. Only in the fifteenth century do we find the twelfth- and early thirteenth-century translations of Arabic Hermetica copied again in a significant number of manuscripts (Burnett 1996: XVI). This reflects the change of intellectual atmosphere which eventually led to the rediscovery of the Greek *Corpus Hermeticum* and Marsilio Ficino’s translation of it.

It is not coincidental that both the fifteenth century and the twelfth century are referred to as times of renaissance. They share an openness to new ways of thought, an enthusiasm for discovering lost ancient works. And in some ways, one could say that Marsilio Ficino, Pico della Mirandola, and other Renaissance *magi* were merely picking up the Hermetic tradition where Adelard of Bath, Robert of Ketton, Hermann of Carinthia and Hugo of Santalla had left off.⁴¹ The innovation of Ficino was to rediscover and make available the Middle- and Neoplatonic Greek sources which provided the intellectual framework into which technical Hermetic magic could be fitted. This involved translating not only the *Corpus Hermeticum*, but also portions of the *Enneads* of Plotinus, Iamblichus’s *On the Mysteries of the Egyptians, Chaldeans and Assyrians*, Proclus’s *On Sacrifice and Magic*, and Synesius’s *On Dreams*. If twelfth-century Latin scholars had had these available, the history of Hermeticism in the Middle Ages might have taken a different course.

NOTES

- 1 For a useful and up-to-date account of the contents and tradition of the Greek *Corpus Hermeticum*, see the introduction to the English translation in Copenhaver 1992; see also Kingsley 1991. I am grateful to Paolo Lucentini and David Porreca for advice.
- 2 The only medieval Latin translations of technical Hermetica from Greek are the *Kyranides* (translated by Paschal the Roman in 1169) the *Compendium aureum*, *Liber Thessali de virtutibus 19 herbarum*, *De 7 Herbis* and the *Liber Hermetis Trismegisti de triginta sex decanis* (in two fifteenth-century manuscripts).
- 3 For the manuscripts see Klibansky and Regen 1993, and Lucentini 1995. For the ‘Middle Platonic’ nature of these texts and their influence on twelfth-century Platonism, see Gersh 1982.
- 4 It is not my intention to trace the sources of Arabic Hermetica, which, with few exceptions, do not correspond verbally with any Greek Hermeticum, and are usually considered to have come into being in the context of the star-worshippers of Harran (Pingree 1980 and 1987, and Burnett 1996: III).
- 5 For the relations between the last of these kings and the Aragonese rulers, see Beech 1993.

- 6 One must note, however, that the *Disciplina clericalis* begins with a quotation from 'Enoch, the philosopher who is called Idris in Arabic': these are respectively the Jewish and Arabic sages identified with Hermes.
- 7 For women as purveyors of popular magic, compare Daniel 1975: 285, and see p. 140, this volume.
- 8 Early in the text Adelard transcribes the Arabic word (which in turn was a transcription from Greek) 'atalecim', but for the rest of the text he uses 'ymago' or, occasionally, 'prestigium'.
- 9 Al-'alām' literally means 'the world'; the word appears as 'elaalem' in the Latin manuscripts.
- 10 Thierry of Chartres 1971: 270 (referred to in Gregory 1988: 77); cf. *Asclepius*, 7; see also Gersh 1982.
- 11 Thierry of Chartres 1988: 108, cited in Dronke 1988: 363.
- 12 Hermann of Carinthia 1982: 4–5. The system of reference to the text of the *De essentiis* is by the divisions of the folios of its principal manuscript.
- 13 *Asclepius*, 37. Note that nowhere in the text of the Latin *Asclepius* are the words Hermes and Trismegistus brought together. In every case the initiator-teacher is called 'Trismegistus' (usually rendered 'Trimegistus' in the Middle Ages). Only in the title are the two names brought together in an attempted transliteration of the genitive of the Greek form of the name: 'Ermu trismegiston'.
- 14 Augustine, *De civitate Dei*, XVIII, 39; cf. Dronke 1990: 35.
- 15 The two Roberts have been assumed to be the same (see Haskins 1927: 120–3), but Richard Southern's attempt to separate them (Southern 1992: xlvii–xlix) has some justification. Nevertheless, Robert of Chester may still be associated with the authors so far mentioned, since he revised Adelard's translation of the astronomical tables of al-Khwārizmī.
- 16 A detailed account of the contents of the *Antimaquis* and its Arabic forebears is given in Burnett 1996: VII; see Hermes, *Antimaquis* (2001).
- 17 *De essentiis*, 65vC: 'His duobus [sc. *Sole et Luna*] in omnem generationem tamquam – ut Apollonius Thebanus affirmat – mundi parentibus fundatis, Trimegistus vero ex altero vitam, ex altero incrementum geniture mutuatur.'
- 18 Apollonius of Tyana (Balīnūs) (1997–9). I quote directly from the MS Paris, BNF, lat. 13951.
- 19 Cf. Haskins 1927: 78, quoting the preface to Hugo's translation of an Arabic text on 'sand-divination'; Isidore, *Etymologiae*, VIII, 9, 13.
- 20 III iv 2, 1: 'Ante cetera ergo omnia summi astrologorum Zarmahuz quem Hermetem fore estimant sententiam exequemini.' Other transcriptions of the name 'Zarmahuz' suggest that it is the Buzurjmīhr who wrote a commentary on Vettius Valens's astrological handbook, *The Anthologies*, in Persian in the sixth century AD. The identity with Hermes may be Hugo's own (see Hugo of Santalla 1997: 159–60), but, as we have seen, Hermann also considers Hermes to be Persian.
- 21 Haskins 1927: 77. The identification of Mercurius as 'Cillenius' (after the cave on Mt Cyllene in Arcadia in which Hermes is said to have been born) also occurs in Apuleius, *De mundo*, 29.
- 22 Burnett, 1996: XIII, p. 40 and Hermes, *De spatula* (2001). See Fig. 7.
- 23 See p. 130, this volume.
- 24 This is demonstrated at greater length in Burnett 1988: 397–400.
- 25 This is the genre of astrology in which the client asks the astrologer for a 'judgement' on a wide range of secular matters, such as marriage, travel, business deals, the sex of the unborn child, etc. Such 'libri iudiciorum' were usually prefixed by a general introduction to astrological theory.
- 26 The last two scholars were among the astrologers who cast the horoscope for the foundation of Baghdad in 762 AD.
- 27 Burnett 1977: 78–97.
- 28 This summary has been made from my unpublished edition based on MS Oxford, Bodleian Library, Savile 15.
- 29 This is a natural inference from a belief, characteristic of Platonists, that the stars have souls (i.e., are animate).
- 30 The author is replying to the typical criticism of those who deny astrology's validity.
- 31 Hermetic works were known not only to Petrus Alfonsi (see above) but also to Abraham ibn Ezra (c.1092–c.1157), the Jewish scholar from Tudela, who, aside from composing a wide range of works in Hebrew, collaborated with Christian scholars to produce Latin texts on the science of the stars, and to Moses ibn Ezra (Spain, c.1055–after 1135; see Fenton 1976).
- 32 See Abelard, *Theologia 'Scholarium'*, 1.115 (ed. Mews, p. 363). Abelard's quotations from the *Asclepius* are not direct, but via Pseudo-Augustine (Quodvultdeus), *Contra quinque haereses*.

- 33 MSS London, British Library, Royal 12.E.XXV and Oxford, Bodleian, Digby 57 refer to 'librum quem Mercurius rex Egipti de fide Trinitatis . . . composuit' ('the book which Mercury the king of Egypt composed concerning the faith of the Trinity') – a phrase reminiscent of the Greek *Suda*'s description of Hermes [c.1000 AD] as being called 'Trismegistus on account of his praise of the Trinity'; see Copenhaver 1992: xli.
- 34 In spite of its title, this text is not written in a Hermetic style, and its main reason for its claim to Hermetic authorship may be the association of Hermes with cosmology and the causes of things. Another text that may be dated to the late twelfth century is the *Book of the 24 Philosophers* (*Liber viginti quattuor philosophorum*) which comments on a set of enigmatic definitions of the nature of God; in the earliest witnesses, however, only the first definition is attributed to Hermes ('God is a *monas* giving birth to a *monas*, reflecting one glowing heat onto himself'), and the text is neither written in a Hermetic style nor dependent on any Hermetic sources.
- 35 Richard Lemay's case for Bernard's indebtedness to Abū Ma'shar is not convincing: Lemay 1962: 258–84.
- 36 *Speculum astronomiae*, 11. For identifications of these works see Pingree 1994.
- 37 Exceptions are John of Seville, whose name is attached to one text on talismans (*De imaginibus*), and Stephen of Messina, who translated the *Centiloquium Hermetis* for Manfred, king of Sicily, 1258–66.
- 38 '(in)fundere', 'imprimere', 'sculpere' and 'fabricare' are verbs commonly used in the Latin *libri de imaginibus* for the manufacture of talismans.
- 39 This title comes from that found in most Latin manuscripts of the *Asclepius*: 'Incipit Ermu Trismegiston dehlara ad Asclepium allocuta feliciter', where 'dehlara' is probably a corruption of the Greek 'βίβλος ἱερὰ'. It is possible that William's interpretation of the title is influenced by the Latin transcription of the Muslims' Allah: 'Elle/Helle'.
- 40 The full range of William's discussion is described in Thorndike 1927: 338–71.
- 41 For Renaissance Hermeticism and related philosophical magic see Walker 1958; this excellent survey does not, however, draw sufficient attention to the continuities between Medieval and Renaissance magic.

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CHAPTER NINE

WHAT THE CRUSADES MEANT TO EUROPE



Christopher Tyerman

For Edward Gibbon, the crusades concerned nothing less than ‘the world’s debate’. Two centuries later, it can still be argued that crusading ‘was of central importance to nearly every country in Europe and the Near East until the Reformation’ with profound implications for modern politics, notably anti-Semitic violence, hostility between Orthodox and Catholic Christians and the escalating tensions between Moslems and Christians in the Balkans, Near East or elsewhere (Riley-Smith 1997: 1). Although lacking medieval definition in law or language, crusading is portrayed as a ‘movement’, implying a degree of coherence and unity of purpose, attitude or behaviour. Western historians have subsequently read into the crusades European colonialism; racial and cultural superiority; the triumph of faith over materialism or reason; nationalist epic; the opening of Europe to eastern trade, inventions and learning; the climax of shining chivalry or bestial barbarism; even ‘the central drama’ of the medieval period ‘to which all other incidents were in some degree subordinate’ (Archer and Kingsford 1894: 450–1). Yet in many respects, the dynamism of the crusade was derived from the culture that gave it birth and sustained it for half a millennium rather than the other way round.

Just war in medieval Europe boasted a Christian pedigree as old as Constantine the Great and Augustine of Hippo in the fourth and fifth centuries, with a much older parentage in Roman public war and the scriptural battles of the Israelites from Moses to the Maccabees. As Christendom appeared increasingly threatened by pagans and Islam in the eighth and ninth centuries, wars fought in defence of the Church were perceived as being in a holy cause, attracting spiritual rewards. This association sat easily in the culture of western Europe where war and religion were inseparable and Christ Himself could be portrayed as a warrior leader of a warband, in the vernacular eighth-century Anglo-Saxon *Dream of the Rood* or the ninth-century Germano-Saxon translation of the Gospels, the *Heliand*. Acceptance of Holy War, where fighting was regarded not simply as justified by circumstance, cause or legal authority but as a holy act in itself, percolated through Western aristocratic religious culture. Remission of sins was occasionally granted to warriors by popes (e.g. Leo IV, 847–55; John VIII, 872–82). From the late tenth century some churchmen and their lay neighbours and relatives combined together to maintain their political and

ecclesiastical order and security by establishing what were called Truces and Peaces of God. Just as the values of the arms-bearing classes appeared to be increasingly Christianised, so, in some aspects, was the Church militarised. The vernacular *Song of Roland* affirmed a warrior ethic with a Christian gloss: 'Christians are right; pagans are wrong', while contemporary eleventh-century popes employed armies to fight their wars and Gregory VII (1073–85) planned a *militia Sancti Petri* (knight-hood/army of St Peter). The Church depended on military aristocrats for patronage and protection. In return churchmen, especially monks, tried to incline these patrons if not to godliness at least to an awareness of their relationship to God through His Final Judgement. If the sentiments expressed in numerous charters of laymen granting property to monasteries are to be believed, donors took seriously the prospect of punishment for their sins in some after-life.

This symbiosis of interests and values, encouraged by developing canon law and the beginnings of a coherent and accessible penitential system, was lent focus by the political agenda of the reformed papacy after 1050. Across Western Europe during the so-called Investiture Contest ecclesiastical interests were pursued through secular politics, issues of the legitimacy of lay behaviour being interpreted in a spiritual context. This extended beyond German civil wars or the struggle for dominance in Italy to events such as the Norman conquest of England, which received enthusiastic support from the modernisers at the Roman curia. Previously the preserve, almost perquisite of emperors or kings, religious political ideology now reached the knights who were thereby lent respectability and an identifiable place in the church-created world hierarchy to match their growing material status. While contemporaries of Urban II saw his radical extension of penitential war literally as a God-sent opportunity to channel the activities of such men towards alternative, meritorious ends, such holy war soon became the acme of knightly ambition, which it remained until the end of the Middle Ages, an ideal as lustrous for Duke Philip the Good of Burgundy in the fifteenth century as for King Richard the Lionheart in the twelfth. The heroes and legends that sustained the bright image of the Wars of the Cross were military. The glamour of much crusade story-telling, in essence based on physical, not spiritual, fighting, depended on the confluence of war memoirs and moral homilies, epic meeting hagiography, although this was not the unique preserve of the crusade.

Crusading thus emerged from an existing tradition as well as a specific context. Many apparently distinctive crusading features were hardly novel: ecclesiastical acceptance of holy war; indulgences for Christian warriors; encouragement to fight the Infidel; the concept and reality of pious knights. The symbolic use of the Holy Cross, adopted as a sign of their vow by all who wished to enjoy the indulgences, was not invented for the crusade. It had been characteristic of the devotions of Peter Damian, one of the consciences of early papal reform, and was adopted by German pilgrims to Jerusalem in 1064. Holy Land pilgrims with no intention of fighting continued to adopt the Cross in the twelfth century. The term *crucesignatus* – signed with the Cross – was shared in the thirteenth century by reformed heretics.

Yet Urban II's call to arms in 1095 to recapture Jerusalem and assist the Eastern churches, although seen by some at the papal Curia as fulfilling the programme of Gregory VII, did present unique and novel features. Those who had fought for William of Normandy at Hastings in 1066 under a papal banner in what the pope had proclaimed a just cause nonetheless were enjoined to undertake penance for their

acts of violence on the battlefield. In 1095, by contrast, Urban II proposed that the campaigning itself, slaughter included, was a satisfactory penitential act that remitted at the least the entire penalties of all the crusader's confessed sins. The implications were not restricted to spiritual health. Urban 'preached a holy war and thus sanctified holy pillage' (France 1996). The opportunity was provided by appeals from the East for aid, notably from the Byzantine emperor, but the concept of the relief of Jerusalem as both a physical goal and a means of grace derived in general from papal policy to impose a new hierarchic order upon clergy and laity and in particular from Urban II's perception of the nature and progress of Christian history. Thus, from its inception, crusading was a phenomenon of the culture of Western Christendom even where its implementation was not.

Whatever else, the crusades have attracted judgement. Arguably, those who planned the Wars of the Cross invited no less: such expeditions were seen as tests of the spiritual health or, more usually the 'iniquity' or malaise of Christendom, through, as Pope Innocent III put it in 1213, a contest devised by God to try the faith of Christians 'as gold in the furnace', a 'trial of the sword', even, in the words of a Second Crusade song, a 'tournament between Hell and Paradise' (Riley-Smith and Riley-Smith 1981: 65, 119; Tyerman 1998: 18). For its promoters, the stakes could not be higher. Given the successive defeats on the eastern Mediterranean front from the mid-twelfth century, this proved awkward, the ultimate failure of the Holy Land crusades haunting the imaginations of later medieval polemicists such as Philippe de Mézières (1327–1405) as a symbol of moral decadence and spiritual as well as political weakness.

This judgementalism has by no means always been positive. Wars, holy or not, claim victims. Jews and Moslems lament their dead, massacred by the First Crusaders: the Rhineland in 1096 and Jerusalem in 1099 retain the power to chill even the strongest Catholic apologist. Many southern Frenchmen had little to celebrate and much to curse in the crusades of the early thirteenth century that destroyed the Albigensian heretics and much more. Few Greeks forgave or forgot the sack of Constantinople in 1204 and the subsequent annexation of substantial parts of Greece and the Aegean by Westerners. To some later historians, such as Joseph François Michaud in the nineteenth century or Steven Runciman in the twentieth, the rape of Byzantium allowed the later conquest of south-eastern Europe by the Ottomans. Needless to say, Moslem writers are less upset at this outcome. The pagans of the Baltic lacked literacy to articulate their response to the Teutonic Knights' 'eternal crusade' of the thirteenth and fourteenth centuries in all its tedium, viciousness and squalor (or alternatively devotion, bravery and excitement) until at the Council of Constance (1414–18) the now-Christian victims found a voice that condemned the very basis of the northern crusades. Sixteenth-century Protestants thought the whole exercise of papal power corrupt and corrupting, noting with fraternal outrage the crusades launched against critics of the medieval Church, such as the Hussites. Religious fanaticism itself prompted the disdain of the Enlightenment, David Hume famously standing for a whole world-view in describing the crusades as 'the most signal and most durable monument of human folly that has yet appeared in any age or nation'. Beside the admiration and sense of tradition crusading inspired among medieval enthusiasts and Romantics in the nineteenth century ran the appreciation of waste, of loss, never better understood than by observers in the late twentieth century.

However, most critics and champions share a sense of the importance of the subject. Yet crusading was hardly free-standing. Many of the Wars of the Cross, especially in Europe – in Italy, Spain, France, Germany, England, the Baltic or the Balkans – would have been fought whatever the precise formal justification and apparatus of recruitment and propaganda. Crusading did not make western Europe a violent place; violent Europe created crusading. However significant an ideological leap was Urban II's invention of penitential war in 1095, the practical differences were, in many instances, minimal. As often as not, crusading reflected desires and policies to which holy wars were useful but tangential: the moral, political and ecclesiastical ambitions of popes; the devotional practices of the laity, especially the nobility and propertied classes; the development of the cult of chivalry and code of aristocratic honour; the economic expansion of parts of western Europe; the religious initiatives of Church reformers. Even in the eastern Mediterranean, the one area where Urban II's vision had a unique impact, crusading – as opposed to the sort of warfare the Greeks had been conducting for centuries – was a product not of the frontier conflict with Islam but of preoccupations in the heartlands of western Christendom. Throughout, crusading was contingent on those who saw in its associated forms, rituals, rhetoric and traditions means to fulfil widely disparate and changing needs, temporal and spiritual.

The crusades were a form of Christian Holy War originally associated with the armed pilgrimage summoned by Urban II to recover Jerusalem from Moslem rule in 1095–9. Participants, who signalled their commitment by ceremonially receiving the cross and, from the later twelfth century, contributors as well earned spiritual privileges, most importantly plenary remission of sins, as well as the Church's protection for their property, immunity from repayment of debt and delays on law suits. Legal authority for such Holy Wars ostensibly derived from the pope. Yet emotions and actions allied to fighting under the Cross were never the sole prerogative of papally sanctioned expeditions. In 1110 King Sigurd of Norway, without any papal involvement, was recruited by King Baldwin I of Jerusalem 'to the service of Christ', perhaps even receiving the Cross in Jerusalem, in order to capture Sidon (Hollander 1964: 688–97). In 1228–9, the excommunicated Emperor Frederick II recovered Jerusalem on what cannot be regarded as anything other than a crusade, if that term has any meaning. True, papal authorisation and organisation, including diplomacy, propaganda, finance, at times even military recruitment, lay at the heart of most practical crusading, which became one of the most potent weapons in the armoury of the papal monarchy of the High Middle Ages. Nonetheless, at no time was a legal theory of crusading, as distinct from other forms of just or holy war, proposed let alone established. In a period and intellectual climate fond of legal codification and academic definitions, the omission is remarkable. The great Dominican theologian Thomas Aquinas, almost two centuries after the First Crusade, was still debating with students in Paris some of the unresolved technical niceties of the operation of the crusade vow and indulgence (Spiazzi 1949: ix).

Although a clear and lasting primacy of respect was afforded campaigns to the Holy Land, which, large and small, continued in practice to the end of the thirteenth century and in aspiration until the sixteenth, wars in defence of the Church more generally defined were understood to be legitimate on similar terms. Thus, from the early twelfth century, popes awarded privileges associated with the Jerusalem

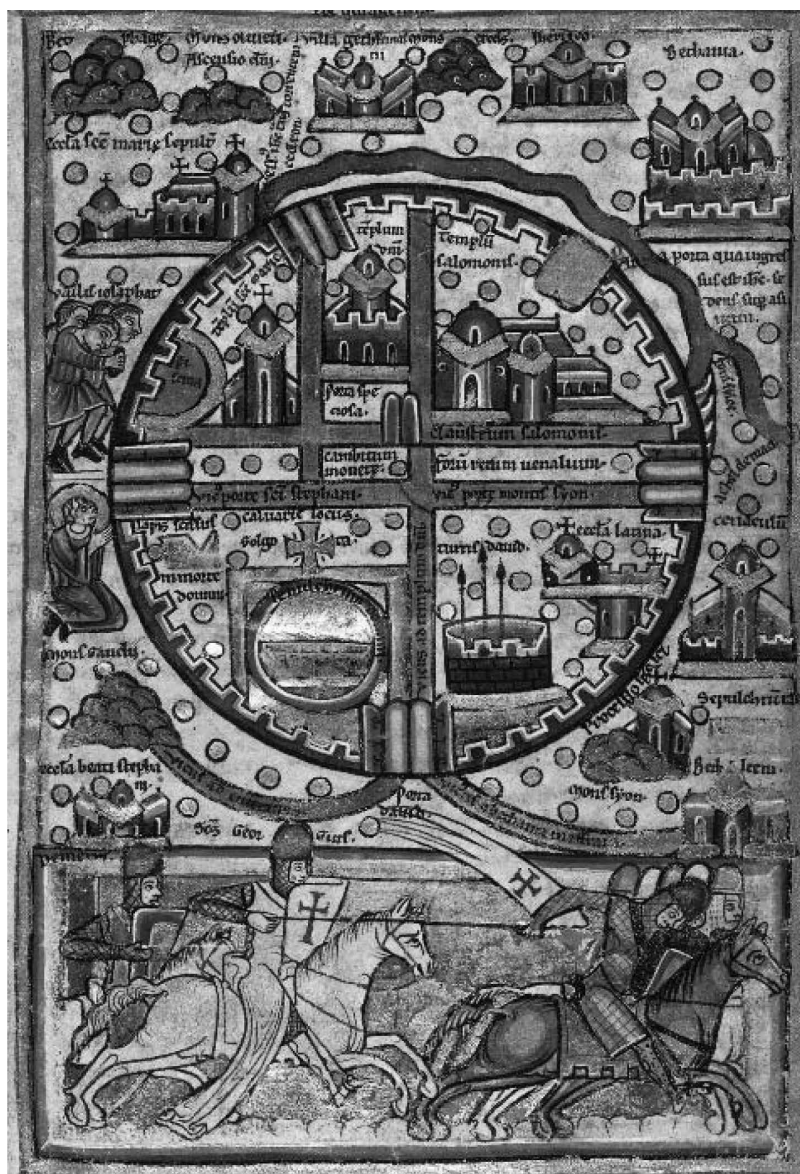


Figure 9.1 Plan of Jerusalem and its environs (c.1170) with, below, the Moslems getting the worst of it. Source: The Hague, Koninklijke Bibliotheek, 76 F 5, fo. 1r.

expedition to some Christian campaigns against the Moslems in Spain and, from 1147, to certain German wars against pagans in the Baltic. This form of Holy War was also employed within Christendom against Christians who presented a political threat to papal interests, such as supporters of the anti-pope Anacletus in 1135, Markward of Anweiler in Sicily in 1198 or the Hohenstaufen in Germany

and Italy from the 1230s. Papal allies, such as the king of Norway in 1164 or the thirteenth-century kings John and Henry III of England, were defended by crusades which were also used to enforce political control or order, as over the *routiers* of Languedoc in 1139, or recalcitrant peasants in the Netherlands and north-west Germany in the 1220s. Crusades against Christian enemies of the Papacy became the most characteristic – and most controversial – form of crusading in the thirteenth and fourteenth centuries. The other main targets of crusades in Europe were heretics, notably the Cathars (or Albigensians) between 1208 and 1229, although charges of heresy could be employed by unscrupulous rulers, such as the kings of Hungary against the Bosnians in the 1230s, driven by zeal to acquire more land and power, a motive not far from the thoughts of King Louis VIII of France when campaigning against the Cathars in 1226. As the anti-Hussite crusades in Bohemia in the fifteenth century show, the combination of religious outrage and political ambition retained its potency. In the thirteenth century, the need to defend the Latin Empire of Constantinople and the western conquests in Greece and the Aegean established after the Fourth Crusade in 1204 led, especially after the 1230s, to regular appeals for crusades against the Byzantines. The flexible nature of the crusade as a political device is further revealed in its use from the fourteenth century in the conquest and conversion of pagan lands in Africa, the Atlantic and the Americas where the underlying justification of defence and reconquest was expanded to include the extension of Christendom.

Static neither in application nor in administration, the range of the Wars of the Cross, from Russia to Spain, from England to Egypt, the involvement of so many diverse communities and the longevity of at least some associated ideals, reflected crusading's part in three powerful social and cultural forces: the expansion of western Christendom beyond its early medieval frontiers; the development of internal structures of authority and order in Church and State; and the religious reformation of the laity, spearheaded by the crusader pope Innocent III and the Fourth Lateran Council of 1215.

Nevertheless, while it may have been a characteristic feature of western European politics and Church, crusading was not a monolithic movement. Many modern historians have regarded the crusades as an autonomous force, exerting profound influence on medieval culture of which crusading was a 'defining characteristic' (Lloyd 1995: 36). When likened to a 'cancer inside the body of medieval Christendom . . . carried to every part of the organism', crusading's discrete existence is still acknowledged (Morris 1998: 201). However, the crusade was not defined in law, canon or secular. The names used to describe the activity had little consistency, there being no accepted word for crusade beyond euphemisms (holy business, cross etc.) or banalities (holy passage, voyage, journey, expedition etc.). The one technical word that retained currency and force, both in literary works and the records of law courts, was pilgrimage, an association that crusading never cast off and from which it was often hard put to distinguish itself. Charters drawn up on behalf of those departing on crusade illustrate this clearly. Even in the thirteenth century, in such diverse settings as secular law courts, eye-witness accounts by crusaders such as the Frenchman Jean de Joinville or illustrated manuscripts of crusade texts, pilgrimage and crusading continued to be inseparably, at times indistinguishably, woven together. The institutions of crusading remained firmly attached to their cultural

setting, reflecting rather than illuminating their surroundings. The changing and disparate needs of society drove crusading, not the other way round. When the value-systems that sustained it changed, so it ceased to be relevant. It was not military defeat by Islam but the Reformation that brought crusading to an end. It proved to have been less a cancer than a parasite.

Equally, for all its importance in papal policy throughout the three centuries after 1100 and for many rulers during the same period, crusading was not universal. Its distinctive institutions – indulgence, penitential warfare, martial Christ-centred rhetoric, the Cross, legal immunities, etc. – did not touch every member of society or every region of Christendom evenly or at all. On the spiritual level, crusading was not a compulsory religious exercise, in the manner of oral confession after 1215. Except for Holy Land crusades, few expeditions were preached throughout Western Christendom. Crusading for most people, especially after 1200, was a local or regional affair not only in the organisation of preaching and recruitment, which was inevitably the case with all crusades, but in the nature of the declared objective: northern Frenchmen fought in Languedoc and northern Spain; Italians in Italy; Germans in Germany, the Baltic and, later, Bohemia; Hungarians in the Balkans. There were obvious exceptions, notably Charles of Anjou in Italy in the 1260s. Not all wars of cultural, religious or political aggression attracted crusading features; there were crusades in Bosnia but not in Ireland. The story of the First Crusade, which dominated the subsequent highly self-referential literature on later expeditions, was transmitted in significantly different regional versions. The picture of medieval crusading – as of medieval Europe in general – is one of fragmentation and disparity of regional interests dictating to the Curia as much as papal directives inspiring uniformity of reaction; of local perceptions, traditions and responses.

Active crusading was a minority activity. To become a *crucesignatus* implied both legal freedom and economic substance, either personal or derived from a profitable dependent relationship. As enquiries into defaulting crusaders show, for example in England in the 1190s, paupers could not go on crusade; neither could serfs. The social composition of crusade armies was little or no different from any other of the period, even if, at times, their objectives were unique. As with all secular armies, and, indeed, political society in general, recruitment was based upon the military households, affinities, employees, kindreds and geographical networks of the dominant arms-bearing class and urban elites. Crusader armies, like any others, were held together by a mixture of loyalty and cash, assembled and disciplined not by religious enthusiasm alone, but by traditional bonds of lordship, kinship, shared locality, sworn association and, from the late twelfth century, formal and specific contracts between leader and led. Written lists of such recruits survive from Italy in the early 1220s; contracts in England from 1240. With expeditions to the Holy Land, the increasing awareness, at least from the later twelfth century, of the requirement for more effective soldiers and the necessity of transport by sea, accelerated a narrowing of recruitment to the exclusion of non-combatants and hangers-on. Crusaders had to have access to money, whether theirs, their patrons' or their masters': no money, no crusade. The point was well taken by Innocent III after the Fourth Crusade had become the victim of its own indebtedness.

The evidence of chronicles, land transactions, financial deals, lawsuits, vernacular songs, sermons and poems reveals crusading as sustained by magnates and knights,

landed aristocrats trained in arms, surrounded by their dependents: tenants, servants, relatives and foot-sloggers. With them were those who could ply their skills on crusade, wage earners and artisans. The sources reveal merchants, goldsmiths, dyers, bowmen, carpenters, drapers, farriers, blacksmiths, laundresses, prostitutes, millers, cobblers, tailors, fowlers, doghandlers, butchers, barbers, vintners, cooks, masons and fishmongers. Perhaps a characteristic non-aristocratic rural crusader was the sort of man who, in the different circumstances of the fourteenth century, might have fought in the Hundred Years War as an English archer, known then as a yeoman, a substantial freeman. Crusading was attractive to criminals seeking legal protection or escape. Beneficed clergy were prominent in praying, diplomacy, writing letters, composing chronicles, organising poor relief, burying the dead and even fighting. Wives took the Cross in their own right but, according to numerous widely ignored crusade ordinances, unattached women were forbidden, except for older women of good repute who acted as menials, laundresses and de-lousers. They all, however, shared the same requirement for funds, their own or somebody else's.

Many chroniclers and not a few modern historians have noted the importance of the poor on crusade, the *pauperes*, the *plebs*. However, the evidence of charters of French crusading *rustici*, or peasants, suggests they had property to dispose of, however modest. If free, the poor could in theory take the Cross, but they did not in fact embark. Some accounts explicitly state that the so-called poor on crusade were those who had run out of money, called by Odo of Deuil on the Second Crusade 'new paupers', a common enough fate even for the most gently born crusader (Berry 1948: 137). 'Poor' was also used as a relative term in a literary convention that, for example, drew a pointed moral from describing the successful crusaders who captured Lisbon in 1147 as 'poor' in contrast to the 'rich' kings of Germany and France whose expeditions failed even though their participants were substantial landowners and merchants who had funded their own campaign. Using a similar euphemism of the Fourth Crusade, Robert of Clari described as 'poor' minor but well-to-do Flemish knights. Elsewhere, preachers as well as chroniclers were often more concerned with spiritual standing than with economic condition. This could lead to contradictions. Preaching the Cross under Innocent III (1198–1216) was often combined with calls to follow the *vita apostolica*, i.e. a renunciation of material wealth, itself suggestive of the economic standing of the desired audience, or paralleled by attacks on usury and denunciations of the sinfulness of borrowing as well as lending. Taken literally, acceptance of such preaching would render the would-be crusader impotent to fulfil his vow.

The image of hordes of impoverished peasants leaving their fields to employ their pitchforks in the service of the Cross is a myth. Despite its later title, the Peasants' Crusade of 1096 was led by magnates, possessed a central fund of treasure and laid siege to fortified towns in Hungary: hardly the work of a rabble of military novices fresh from the plough. Whatever else he was, Walter Sans Avoir, one of the leaders, was not penniless, Sans Avoir being a place not a condition. Those who did set out, in 1096 or on the Children's (1212) and Shepherds' (1250) Crusades, hoping to rely on charity alone, could not complete the journey unless taken on by those with funds. On the Third Crusade in 1189 the German emperor, Frederick Barbarossa, tried to insist that those who enrolled in the crusade host were able to support themselves. There was little or no mass involvement of whole communities

or populations. When Martino da Canale recorded that ‘the whole of the Venetian *popolo*’ took the Cross in the papal cause in 1256, it is not necessary to take him literally (Housley 1982: 126). Collectively, some crusading armies may have been massive; perhaps as many as 70,000 to 80,000 reached Asia Minor on the First Crusade. The armies and fleets of the general expeditions east of 1147–8, 1189–92, 1202–4, 1217–21 and 1248–50 were impressive in size. However, with the possible exception of Louis IX of France who took farming equipment with him to Egypt in 1249, there was no sense or reality of a mass demographic movement.

That is not to say that the Wars of the Cross were not popular nor that their home communities remained untouched, rather that much of their impact and popularity rested on indirect or non-military features. Civilians were unavoidably engaged through the material requirements of preparing armies: the shipbuilders of the Venetian Arsenal in 1202; the iron workers of the Forest of Dean or the cheese-makers of Hampshire in 1190. More generally, funds were raised for crusades by taxation which could, in theory, have affected more or less everyone: William Rufus’s tax on England in 1096 to pay for his brother’s crusade; the Saladin Tithe of 1188. By 1200, taxation of the Church for ‘the public business of the cross’ had become an established feature of crusading, a cost that could fall heavily on the extensive estates held by ecclesiastical corporations. Towns were tallaged in France for the crusades of their kings. Taxes reached out to all of society, pressing most heavily perhaps on those at the bottom of the economic system who were unable to become crusaders in their own right but equally unable to avoid contributing. The more positively engaged and comfortably off parishioner, from c.1200, would regularly find in the parish church a chest for voluntary donations to the cause. It also became fashionable and spiritually meritorious to bequeath money or goods to the crusade. Thus crusading caught the efforts of labourers, the imagination of the faithful and the thoughts of the dying, through the pockets of them all.

There was also a sense in which crusaders were regarded by their communities as expressing the repentance of all Christendom. They were sent off – literally – with the prayers of the local faithful, lay and religious, ringing in their ears. From this, the church authorities progressively and deliberately knitted crusading more tightly into the communal devotions of western Europe. By the mid-thirteenth century regular prayers, processions, bell-rings and feast-days were dedicated to the cause, thus involving the ordinary parishioners through the liturgy and the communal round of church services and religious ceremonial. These observances formed only one part of a growing institutionalisation of the crusade, from the beginning of the Third Crusade in 1187 onwards, aimed by the Papacy at producing a more effective military response and more comprehensive, coherent and popular religious participation.

One of the central paradoxes that emerged during the twelfth century was that within the developing penitential system of the Western Church, the crusade indulgence was almost uniquely advantageous, promising, as it did, full remission of sin, both casualties and survivors enjoying the prospect of salvation. Despite the horrific and arduous penance of campaigning, it was, as Bernard of Clairvaux suggested, a very good bargain (James 1998: 462). However, this indulgence was limited to those who actually took the Cross and fulfilled their vow by at least having the intention of setting out. After the First Crusade the numbers of such people were limited and socially unequal. Beginning with Clement III at the time of the Third Crusade, popes

began to allow the faithful to take the Cross in order to redeem their vow not by military action but by payment of money. This trend was completed in Innocent III's bull *Quia maior* (1213) summoning the Fifth Crusade which allowed *crucesignati* to commute their vows by sending proxies and encouraged 'anyone who wishes' to redeem crusade vows for money according to means, with non-*crucesignati* contributors receiving an appropriate proportion of the indulgence. Innocent was being deliberately inclusive, wishing to use the institutions of the crusade as part of a wider religious revival among the laity. Thus he instituted the monthly processions, fasting and almsgiving and the special prayers incorporated into the Mass (Riley-Smith and Riley-Smith 1981: 119–24).

Thereafter, personal contact with crusading did not depend on military service. Crusade preaching increasingly concentrated on vow redemptions and general amendment of spiritual life, as armies became more professional with fewer *crucesignati* in their ranks. Innocent and his agents saw taking the Cross as a form of religious conversion, meritorious in itself as a sign of a commitment to a new spiritual life. One prominent contemporary crusade preacher, Jacques de Vitry, described crusaders as constituting an order, a *religio*. By 1250, it appears that taking the Cross formed part of a pious layman's devotional programme, as a sign of purity almost without direct reference to fighting in the Wars of the Cross. In the words of Eudes de Châteauroux, papal crusade legate in France in the 1240s, 'by assumption of the Cross men are marked and distinguished as servants of God against the servants of the devil' (Tyerman 1998: 83). So powerful and attractive was the crusade indulgence that popular demand persuaded Innocent IV to sanction the transferability of the benefits of taking the Cross to wives and children. Even deceased relatives were regarded by some as able to share the spiritual rewards of the *crucesignatus*. Into this inclusive embrace could be admitted, for the first time in significant numbers, the less wealthy (who could not have afforded or been capable of a military excursion) and women.

Nonetheless, social elitism remained. Redemption of vows and purchase of indulgences cost money, openly disbursed. Although according to Innocent III the spiritual rewards were calculated relative to the wealth of the recipient, within a century of 1215 crusade indulgences were bought and sold outright, without any intervening redemption of the Cross, encouraging a parallel of spiritual advantage with social status. As with many other aspects of medieval devotion, the procedure seemingly favoured those who could afford and contribute most towards their spiritual well-being.

One of the most characteristic images of crusading is that of the inspirational preacher arousing his audience to paroxysms of emotion and enthusiasm. Yet most if not all such events were carefully stage-managed for crowds or groups who were already primed to receive the call to take the Cross or contribute to the cause: Bernard at Vézelay in 1147; Josias of Tyre at Gisors or Baldwin of Canterbury in Wales in 1188; Fulk of Neuilly before the Fourth Crusade; Oliver of Paderborn in Frisia before the Fifth. The audiences were expectant, neither indifferent nor surprised, willingly caught in a ritual which was challenging only within carefully subscribed limits. Often associated with the liturgy of the Mass, crusade sermons tended to focus devotion in a ceremonial as much as an evangelical manner. Crusading was not a spontaneous act, in recruitment or propaganda. The social bias

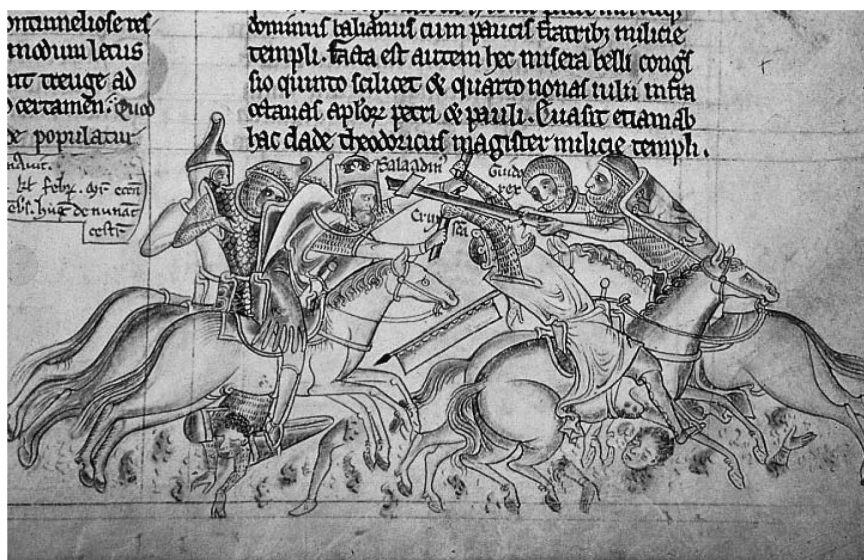


Figure 9.2 The bitter bit. Saladin triumphant. The Battle of Hattin (July 1187) as imagined by the English monk Matthew Paris about sixty years after the event. © The Master and Fellows of Corpus Christi College, Cambridge.

of vow redemptions is confirmed by the audiences of the preachers who rarely even formally aimed their appeals at peasants. The very few sermons that are described in the twelfth century, the small number of sermon texts from the thirteenth, the preaching manuals and surviving regional instructions to teams of preachers, all suggest that crusade preaching was primarily urban or based at the courts of the great. Increasingly, as the thirteenth century progressed, the religious purpose was generally revivalist, the tangible result financial donations, the target a far wider community than that of potential warriors. With preaching as with the indulgence, the wider social popularity of crusading came as part of its incorporation into schemes of spiritual reform rather than solely as an aspect of Christian militarism or intolerance. It was in the thirteenth century, rather than with the sporadic outbursts of militant enthusiasm of the century before, that crusading became a secure social phenomenon of Western Christendom, ironically precisely because the links between taking the Cross and fighting for the Cross were being severed. The non-military aspects of the institutions surrounding the 'holy business' ensured its survival until the Reformation not simply as a martial ambition of the knightly classes but as a religious exercise of the faithful.

The effect of the crusades on Europe and Europeans tended to be of three sorts: direct, as with the crusaders themselves and the families they left behind; indirect, in the responses of the wider community to the material needs of the enterprises and to the ecclesiastical mechanisms that wove crusading into the pattern of popular spirituality; and destructive, in the fate of the victims of the exercise. The crusade proved inadequate in providing the firm, lasting focus of identity for Christendom as a whole which, arguably, some popes and apologists hoped for from it. By contrast, it

successfully exacerbated alienation between Westerners and those outside the stockade of papal Christianity. When considering what the crusades meant to Europe, it is worth remembering that besides those who could be regarded as Christians in communion with Rome, there were Greek Christians. There were also non-Christians: European Jews in well-established communities in France, Spain, Germany and Italy; European Moslems in Spain and Sicily. There were European pagans, notably around the Baltic. There were European heretics, both Christian and non-Christian. There were Europeans for whom the claims of official religion meant little. The crusades may have been a signal demonstration of the penetration of religiosity in secular culture, but their social context was probably no more or no less an age of faith than is our own. Crusading, if anything, narrowed understanding, of Greeks, pagans, Jews, even Moslems, contact with whom perversely was encouraging ignorant notions of Islam as polytheistic, or as a Christian heresy or as a religion with Muḥammad as its god. Westerners increasingly appeared unable even to comprehend their cousins who had settled in Outremer who, within less than a century after 1099, were viewed with suspicion or contempt by many. This resulted in a failure to match military aid to the Holy Land with the need for it. As the First Crusade had been summoned in 1095 to suit internal politics within western Europe, so subsequent crusading, to the east no less than elsewhere, while opening avenues of commerce (especially to the entrepreneurs of Italy and the western Mediterranean), of travel, pilgrimage, advancement and adventure, confirmed a paradoxical narrowing and hardening of vision. Material and political expansion seemed to have provoked a sort of introspective self-sufficiency. In the eyes of Western observers, Outremer could be remade in the image of the West (which of course it could not) while the West was, at the same time, engaged in projecting onto itself all the culture and learning necessary for a comprehensive Christian polity, including relics from the east and replicas of holy shrines, as in round naves of churches in imitation of the Holy Sepulchre. Contact and conquest created a self-sustaining, self-congratulatory, yet paranoid ideology of superiority and rightness (righteousness?), suspicious, fearful, uncomprehending of outsiders, while enjoying their plunder.

It need not have worked out that way. There is evidence of genuine Christian fraternity during the First Crusade: cooperation between Greeks and Latins; an absence of bitterness against the Byzantines from returning crusaders below the level of grasping or disappointed magnates of the High Command; and a lasting sense of comradeship and support from Armenian Christians who saw the crusaders at Antioch and Jerusalem as liberators, not conquerors, much as Urban II may have intended. At least during the twelfth century there were always voices raised to defend the idea of Christian fellowship, just as in the thirteenth century, among the friars, conversion of infidels was seen by some as preferable to conquest. However, given the function assigned by the Papacy to Wars of the Cross in the twelfth and early thirteenth centuries, it is hard not to conclude that, within Christendom at least, it was inevitable that crusading took its place as a vehicle of a persecuting society.

Though Europe, like the crusade itself, was a scarcely defined medieval concept, for those Europeans within Christendom who were not seen as within the pale of orthodox Roman Christianity, the crusades were almost unremittingly disastrous, from the massacres of Jews that accompanied all the first three main expeditions

to the east, in 1096, 1146 and 1190, to the carnage of the Albigensian crusades to local policing operations such as that to flush out the Italian Dolcino in the early fourteenth century to the Hussite wars over a century later. Yet crusading of itself was hardly the cause of this persecution, merely the instrument. It is not accurate to reverse this process of active intolerance. The crusades did not bring about the definition of orthodoxy or of the papal monarchy nor did they cause that elevation of discipline and authority within society and the Church which lay behind many accusations of heresy. While demonstrably inciting it, the crusades did not create anti-Semitism; there were pogroms in France and Spain that long pre-dated 1095. Crusading was a symptom of new strands in lay and clerical spirituality, of the fresh perspectives and policies of a reinvigorated papacy, of the greater order and prosperity in western Europe, of the emergent status and consequent social arrangements of the arms-bearing or knightly class, of a reinvigorated Christian aggression, the harsh side of Urban II's vision of Christian history.

The expeditions that resulted in the capture of Jerusalem in July 1099 exerted a significant influence on the cultural development of western Europe. The experiences and story of the journeys and campaigns between 1095 and 1099 provided contemporaries and their descendants with a new model of military and spiritual behaviour and an unexpected example of Christian triumph in a world long accustomed to images of defeat or defence – for Urban II a reversal of the long retreat of Christianity. Others could take more immediate encouragement, collectively from the victory in the east and individually from the indulgences. The First Crusade's fresh, although not exclusive, articulation of Christian Holy War provided a political weapon of great potential for the emergent Papacy; supplied an additional focus for pious martial ambition; offered a new opportunity to achieve and justify political and economic expansion; presented a unique process for individuals to achieve salvation; and left a series of indelible images in the minds of writers, poets, singers, artists and architects as well as propagandists, moralists and conquerors. Islam could be more precisely identified – or, rather, misidentified – as a demonic foe and Jews as enemies of Christ because of the new attention given to Jerusalem, the scene of Christ's life, Passion, death and Resurrection, its liminal status between Heaven and Earth consolidated and modified first by temporal control of the terrestrial city to which pilgrims as well as settlers and warriors travelled in unprecedented numbers, then by the efforts to recapture it after its loss to Saladin in 1187. To this central set of images could be attached all wars in defence of the Church in a process of Christian repentance masking triumphalism.

More tangibly, crusading created a new vocabulary of salvation for the military classes and brought the foundation of new religious orders, such as the Templars, Hospitallers and Teutonic Knights, some of which lasted for many centuries. Through contact with and control of areas beyond the confines of Latin Europe, individuals and communities from western Christendom found a sharper self-identity in relation to neighbours, including co-religionists, hitherto barely encountered. The crusades by no means caused, but did form a part of, a process of opening western Europe to a wider world, politically, culturally and commercially. The fate of the material legacy of the First Crusade in the eastern Mediterranean, Europe's Outremer, was used by some to define the spiritual and political health of papal Christendom for more than ten generations after 1099. The aesthetic imprint of crusading on art and

literature survived as long. While the potency of other theatres of crusading ebbed and flowed in contemporary imagination, the place of Jerusalem and the Holy Land remained stubbornly entrenched in Western medieval mentalities. Protean in name, essence and act, not a movement but rather a series of institutions that varied in time, space, detail and application, uniform neither in nature nor in support, reflecting rather than shaping cultural, political and religious trends, the wars associated with those to recover or defend Jerusalem constituted a vivid part of the life of medieval Christendom. Europe in the Middle Ages could be a very nasty place to live: the crusades made it marginally nastier.

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CHAPTER TEN

THE CRUSADES AND THE PERSECUTION OF THE JEWS



J. A. Watt

Persecution of Jews in the medieval world took many forms. One of the most threatening to the future survival of the European Jewries came with the war against Islam. The crusades brought to Jews violence of hitherto unparalleled ferocity. Holy War against one sort of unbeliever seemed reason to attack another. Why combat one set of God's enemies overseas, the argument ran, and yet leave unscathed an even worse set of enemies at home, living among us? It was a logic which at the time challenged the orthodoxies of Church and State, and which now confronts the historian of that age with a particularly significant phenomenon in the history of medieval anti-Semitism. 'A microcosm of medieval Jewish disasters' (Stow 1992: 115. Cf. Liebeschütz 1959; Abulafia 1996).

CHURCH, STATE AND THE PROTECTION OF JEWS

Even before Urban II formally launched the First Crusade in 1095, the alternative, baptism or death, had been presented to Jews by Christian warriors on campaign against Muslims. It had happened in Spain some thirty years earlier. In 1063, Pope Alexander II told the whole of the Spanish episcopate that he had been gratified to learn that they had defended Jews against those who, while waging war against the Muslim, had sought 'either through foolish ignorance or possibly blinded by greed' to kill them. For it was divine justice itself which protected Jews, Alexander asserted, God having predestined them for salvation. The pope obviously had in mind St Paul's assurance that Israel's blindness to the truth about Christ was temporary and would end when 'the fullness of the Gentiles should come in. And so all Israel should be saved' (Rom. 11: 25-6). He continued:

So thus blessed [Pope] Gregory restrained certain men who were on fire to annihilate Jews, declaring it offensive to God to kill those whom God's mercy had preserved, dispersed though they were through all regions of the earth, having lost fatherland and liberty in lasting penance enjoined by the sentence passed on their fathers for shedding the blood of the Saviour.

The cases of Saracens and Jews were very different, he continued. The former sought to persecute Christians and drive them from their cities and estates; war against them was therefore just. But Jews 'are everywhere prepared to serve'. The letter concluded with his forbidding an individual bishop to destroy a synagogue. In other letters, Alexander II was to commend both the archbishop and the viscount of Narbonne for protecting Jews against those intent on killing them. He also reprimanded the lord of Benevento for seeking to convert Jews to Christianity by force: nowhere (he affirmed) is it recorded that Jesus Christ ever compelled anyone to his service by violence. The Saviour had persuaded by humble exhortation, respecting the free will of each individual person.¹

The truncated nature of the texts of Alexander's letter as they have come down to us (they are obviously only summaries) makes them read somewhat cryptically and not without obscurity. But it is clear that Alexander II was condemning, as contrary to God's will, the killing of Jews, baptism by force, and denial of Jewish freedom of worship by attacks on synagogues.

What is not clear is what precisely he had in mind when he spoke of Jews 'being prepared to serve'. What it *might* mean, however, at least to Europe's rulers at the time, is apparent from another sort of response to attacks on Jews in this immediate pre-crusade period. Jews could serve Christians in a very practical, economic way. The *Hebrew Chronicle* which recorded the transfer of Mainz Jews to Speyer in 1084 explained why they had moved: 'the whole of the Jewish quarter was burned down and we stood in great fear of the townsmen'. In Speyer, by contrast, they were warmly welcomed by its ruler-bishop who, according to the chronicle attributed to Solomon bar Simson, 'pitied us as a man pities his son' (Eidelberg 1977: 71-2). But the bishop had more than paternal compassion in mind, and frankly admitted as much. He wanted to expand his settlement and build it up into a city. He thought the glory of Speyer would be 'increased a thousandfold if I were to bring in Jews'. In return for this service, he granted them what he claimed to be 'a better legal position than any other Jewish community in any city of the German kingdom'. And so he allocated to them a fortified area, with responsibility for their own defence, a cemetery over which they had autonomous jurisdiction, full trading rights within Speyer and on its Rhine wharf and a number of particular legal privileges, the most important of which was that of having disputes within their community settled by their own leader (Aronius 1902: 69-71).

Some six years later, the Speyer Jews, with the cooperation of the same bishop, successfully petitioned Henry IV for a more comprehensive charter of privileges. It proved to be more detailed than any such charter hitherto granted to any European Jewry. Jews and their properties were accorded royal protection from arbitrary violence. They were granted freedom of trade throughout the kingdom. Their position at law was safeguarded: when there was litigation between a Christian and a Jew each could swear on his own sacred book and Jews were not to be subject to the proof-tests of hot iron or water. They were at liberty to settle disputes within their own community in their own court, and – in view of what was to come this was of especial relevance – they were protected against forced baptism. The removal of Jewish children from their parents in order to baptise them was proscribed. If a Jew expressed a wish to be baptised, three days should elapse before the administration

of the sacrament in order to establish that the wish was sincere and unforced. There was even a deterrent set against conversion to Christianity: a baptised Jew forfeited his property to the royal treasury (Aronius 1902: 72–3).

Henry IV's charter was issued to only one Jewish community. But the incorporation of its substance into similar charters by Frederick I and Frederick II establishes its claim to be an authoritative formulation of Jewish rights as understood by the German monarchy. Henry IV had translated into practical juridical detail the principle of toleration and defined how Jews were to be protected in their persons, property, religion, status at law and economic activity.

There is no comparably detailed document from the Papacy in this period. Nothing from the papal registers has survived to take us beyond the letters of Alexander II. But the eleventh century had seen a notable advance in the number and quality of collections of canons, beginning with that of Burchard of Worms (c.1012) and reaching a notable peak on the very eve of the First Crusade with the *Decretum* of Ivo of Chartres and its summary, the *Panormia* (Gilchrist 1988; Gilchrist 1989). Ivo enjoyed particular authority in his own day, not least with the Papacy itself and his collections were to be very influential in the development of canon law. There need be little hesitation about adducing his work as representative of the orthodox ecclesiastical opinion of his day.

Ivo considered Christian–Jewish relations in two main contexts. His first book of the *Decretum* was a massive assembly of texts ‘concerning faith and the sacrament of faith, baptism’. It included texts concerning the baptism of Jews and an examination of the rules concerning conversion to Christianity. Book XIII was of a more miscellaneous nature. The unifying theme of the texts concerning Jews may be put in this way: Jews, though tolerated, were nevertheless enemies of Christianity and therefore a threat to be controlled and contained. Thus safeguards must be erected against Jewish proselytism, against Jews exploiting Christians, against insult to Christianity, to all of which, traditionally, Jews were regarded as particularly prone. Broadly speaking, about one-third of the canons concerned with Jews which Ivo selected represented the teaching of Gregory I (590–604), another third that of the Visigothic Toledo councils, especially that presided over by Isidore of Seville (Toledo IV, 633). The remaining third is more varied, with the preponderance coming from Frankish councils of much the same period: all told, an authentic representation of what had become the standard canonical tradition, in somewhat fuller presentation than in any previous collection of canons.

What is of particular relevance here is that the canon law at this stage in its development reinforced the positions recently adopted by Alexander II. Indeed, Ivo reproduced all the Alexandrine letters. But he also reproduced additional authoritative texts, especially those of Gregory I, to establish that killing Jews, baptising them under coercion and interfering with the practice of their religion were all forbidden.

THE FIRST POGROMS IN EUROPEAN HISTORY

Behind such a barrier of principles and practices erected by the authorities of Church and State, it might be expected that Jews would feel safe. And indeed there is evidence to suggest that they did. For the contemporary Jewish record often entitled ‘Mainz Anonymous’ reported that when the Mainz Jewish community was warned

from France of attacks on Jews by crusaders there, they replied that though greatly concerned about the welfare of their French co-religionists, as to themselves they felt no cause for anxiety: 'We have not heard a word of such matters, nor has it been hinted that our lives are threatened by the sword' (Eidelberg 1977: 100). They were to be speedily and bitterly disillusioned, however. As the First Crusade gathered momentum, the Mainz community was annihilated.

As crusaders began their march to the Holy Land, attacks on Jews took place in Rouen, spread to Prague and elsewhere in Bohemia, and were reported by one contemporary chronicler as falling on the Jewries along the Rhine, Main and Danube rivers. Some historians think they have detected them also in Provence. But no one doubts that they fell most heavily in the Rhineland: on the Jewries of Cologne, Worms and Mainz most severely, with another half-dozen harshly treated (Riley-Smith 1984; Chazan 1987).

One strand of modern crusade historiography attributes these outrages to the crazed fanaticism of an ignorant and undisciplined peasantry, seized and deluded by a 'messianism of the disoriented poor' (Cohn 1993: 61), with the extreme views that led to violence 'restricted to small and marginal groups of popular crusaders' (Chazan 1987: 219). In fact, on the evidence of the Hebrew sources the army most clearly to be identified with 'popular' crusading, that led by Peter the Hermit himself, can be acquitted of responsibility for the killing of Jews. According to the *Chronicle* of Solomon bar Simson, Peter looked for nothing more than material help for his journey. Once provided with that, 'he would speak kindly of Israel' (Eidelberg 1977: 62). On the other hand, Godfrey of Bouillon, for example, the future first ruler of the crusader kingdom of Jerusalem, is marked down in the same source as vowing to proceed on his journey, 'only after avenging the blood of the crucified by shedding Jewish blood and completely eradicating any trace of those bearing the name "Jew"' (Eidelberg 1977: 25).

It was not only important crusade leaders who promoted the assaults on the Rhineland Jewries. It was also the citizenry of the towns themselves. Responsibility for the murderous assaults on Jews must be attributed to an unholy alliance of elements of the crusading leadership with townsmen (sometimes aided by the peasantry of neighbouring villages). Albert of Aachen, fullest of the Christian chroniclers of the pogroms, lays responsibility for originating the attacks on the citizens of Cologne. But it is the Hebrew chroniclers who are most insistent on the major role of the townspeople and of their collusion with the crusaders. 'Because of our sins', the Mainz Anonymous reported, 'whenever the crusaders arrived at a city, the local burghers would harass us, for they were at one with them' (Eidelberg 1997: 100). Though they were not slow to acknowledge individual exceptions to this collaboration, reporting how some Gentiles sought to provide protection, they go on to specify the cities where crusaders and citizens combined to attack Jews. And among those they named were the cities whose Jewries suffered most cruelly.

The Jews did not get much sympathy from the main crusade chroniclers. Albert of Aachen even suggested that their fate was 'a judgement of the Lord' before adding that it might have been 'some mental aberration' on the part of the crusaders. He acknowledged that no one should be coerced into being a Christian. He was emphatic that those mainly responsible for the pogrom in Mainz were the Swabian Emich, count of Flonheim and the northern French lords in his company. Albert

accused them of bearing off much wealth looted from the Jews (*Recueil* 1841–1906: 4.292). He passed over in silence the role of Godfrey of Bouillon who figures so prominently in the Hebrew accounts. The lords of Bouillon were Albert's local ruling family (Edgington 1997: 61). Ekkehard of Aura wrote of the crusaders' attacks on Jews as motivated by 'zeal for Christianity' without even a hint that such zeal was gravely immoral and seriously illegal. He wrote of Jews as 'the most impious ones' who were 'truly the internal enemies of the Church (Saracens being the external ones), whose return to Judaism after coerced baptism was a return "to their vomit"' (*Recueil* 1841–1906: 5.15, 20; Prov. 26.11). Albert registered strong disapproval at the action of Jewish mothers in Mainz, who killed their children, he thought, to prevent their being killed by 'the uncircumcised' (more likely it was to prevent their being taken for baptism and Christian upbringing). Bernold of St Blasien, writing of Jews in Worms choosing suicide rather than having baptism forced upon them, attributed their action to 'the persuasion of the devil and their own hardness of heart' (Aronius 1902: 464).

It is the survival of the so-called Hebrew Chronicles which brings home the horrific realities of the violence. They are less histories than books of remembrance, martyrologies. Within a framework of narratives of merciless persecution, they commemorate the noble dead who died to keep God's name holy. The narratives recount, town by town, incident by incident, often in great detail, the sorry tale of crusader-citizenry assault: desecration of synagogues and sacred books, the double-dealing to get hold of Jewish wealth, the savage ultimatum of baptism or death, the pitiless slaughter of men, women and children, the mutilation of corpses . . .

'A NEW-STYLE MARTYRDOM'

. . . and in face of it all, fidelity to Judaism, heroism unto death, and that not only by particular individuals but by whole families and indeed by whole communities. This literature of memorialisation commended especially those who chose to die at the hands of each other rather than reject the charge God had laid on them:

Those who were slain sanctified the Name for all the world to see and exposed their throats for their heads to be severed for the glory of the Creator, also slaughtering one another – man, his friend, his kin, his wife, his children, even his sons-in-law and daughters-in-law; and compassionate women slaying their only children – all wholeheartedly accepting the judgement of Heaven upon themselves, and as they yielded up their souls to the Creator, they all cried out: 'Hear, O Israel, the Lord is our God, the Lord is One'.

(Deut. 6: 4)

These were the words of Rabbi Eliezer bar Nathan, liturgical poet and Talmudic scholar whose 'Chronicle' brings out most clearly the essentially religious nature of this Hebrew literary genre: a narrative of pogroms certainly, but also a poetic commemorative lament for the martyrs of Speyer, Worms, Mainz and Cologne and more profoundly, a reading of God's unfolding purpose in permitting this suffering (Eidelberg 1997: 81). Eliezer recalled how when the Rhineland Jewries realised the extremity of the peril that threatened them as the crusade got under way, they had

recourse to the appropriate penitential discipline of prayer, fasting and works of charity to avert God's wrath. But God hid himself, withholding his compassion, deaf to their appeal. For he had chosen this generation for a particular purpose of his own: in punishment for its sin, it should be put to the test, charged to demonstrate the strength of its faith and its fidelity to his word. The test passed, its exemplary conduct in face of a vicious foe dedicated to obliterating the name of Israel either by baptism or massacre would be meritorious for all future generations. Suffering then, but placed in the perspective of salvation history. In short, 'a new-style martyrdom' (Chazan 1987: 217-18).

This literature of panegyric was also one of polemic (Abulafia 1985). As the memorialising writers eulogised martyrdom to fortify the faith of their readers, so they sought to deter them from any possible seduction by Christianity. This they did in vituperative language, sometimes, for example, put in the mouths of Jews defying their oppressors with taunts against 'the name of the crucified, despicable and abominable son of harlotry'. Rabbi Eliezer wrote of how those who had been coerced into baptism returned to Judaism 'for in the end they regarded the object of the enemy's veneration as no more than slime and dung'. There was more of this contemptuous vilification of Jesus and his mother, in essence a denial of the central Christian doctrines of Incarnation and Resurrection, but phrased in language sharpened, it has been suggested, by drawing on the invective tradition of the centuries-old parody of the Gospels known as *Toledoth Yesu*.

The appearance of this genre of literature – at once history of persecution, martyrology, theology of suffering and polemic – is in itself evidence of how the pogroms had changed the ethos of the European Jewish world and made of the First Crusade a watershed in Jewish history.

THE FAILURE OF PROTECTION

When all official theory, civil and ecclesiastical, condemned violence against Jews, why were they not better defended? One reason was the absence of their most powerful protectors: Henry IV was in Italy, the duke of Bohemia in Poland. This meant that the local rulers – bishops in the case of the cities which saw the most devastating attacks – were overwhelmed by the superior force of the crusaders and citizens combined. The Jews looked to the bishops for sanctuary, and were prepared to pay handsomely for it, but their attempts at protection, fairly fully chronicled by the Jewish writers, were largely failures: in Worms where the crusader-townsmen collusion was particularly close; in Mainz where the archbishop's men deserted him and he was threatened with death for standing up for the Jews; in Cologne where the bishop's attempt to save the Jews by dispersing them to strongpoints outside the city, also proved ultimately unsuccessful. These were attacks of sustained intensity and persistence which overcame all opposition. Only in Speyer, with its history of good relations between its bishop and the Jewish community, was the bishop finally effective, but then only after some murders and suicides. He had at his disposal 'a large army', sufficient at any rate not only to save the Jewry but also to punish those guilty of attacking Jews by having their hands cut off.

Some bishops urged Jews to save themselves by accepting baptism. Egilbert, archbishop of Trier, was one such and he had a biographer to record how he went

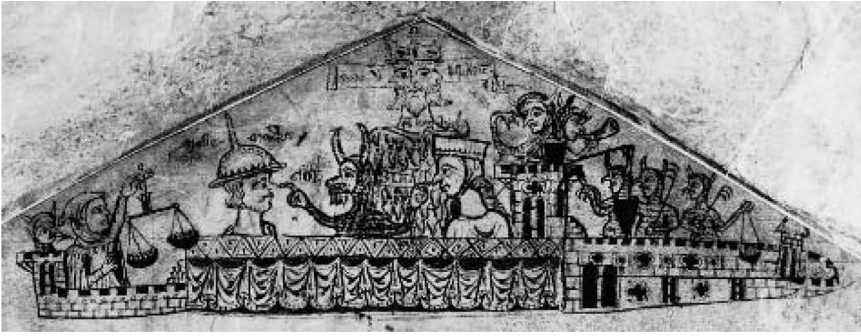


Figure 10.1 The Jews of Norwich unflatteringly sketched on a tallage roll from the English exchequer, 1233. Isaac, the city's richest Jew, is represented with three heads, symbolising the worship of Antichrist, while the devil 'Colbif' berates his agents, 'Mosse Mokke' and 'Aveghaye'. © London, Public Record Office.

about it. He reported how as the crusaders approached the city, some Jews killed their children 'lest they be the victims of the derision of Christian madness'. Some Jewish women stuffed stones into their dresses and leapt into the river Moselle. The rest, however, fled to the refuge of the bishop's palace, tearfully to entreat his help. But he, 'taking advantage of a favourable opportunity', sought to convert them. He told them that this crisis had befallen them because of their sins in blaspheming the son of God and dishonouring his mother. He reminded them that they were bound in guilt to their ancestors who had crucified the son of God. He urged them to save themselves from death in body and soul by accepting baptism and the Catholic faith with a firm heart. Do this, he declared, and 'I will restore your possessions to you in peace and safety and then protect you from your enemies'. The biographer then has it that the Jews having listened to an exposition of the Catholic faith renounced Judaism and asked that their reception of baptism should be hastened so that they might escape the hands of those searching for them. But he went on to say that all returned to Judaism, save one, about whose sincerity he had doubts (Pertz 1848: 190–1).

All sources, Christian and Jewish alike, agree that the return to Judaism was universal. It was permitted by Henry IV. No one mentioned any episcopal opposition and the argument from silence might suggest that bishops concurred. The papacy remained silent though the antipope Clement III ordered the bishop of Bamberg to make haste to prevent baptised Jews returning to Judaism for that ran contrary to 'canonical sanction and the example of the fathers' (Simonsohn 1988: 42). If Clement had in mind those Jews who had conformed externally to the practice of Christianity, and there is mention of such in the Jewish sources, he may well have had in mind a canon of Toledo IV, included in Ivo's *Decretum*, which asserted that the relapsed of this sort 'should be forced to observe the faith into which they had been coerced by force and necessity, lest the name of the Lord should be blasphemed and the faith they had taken on be held as base and contemptible' (Linder 1997: 653–4). In Prague, it was alleged that it was through the clergy's negligence that Jews had forsaken Christianity after forced baptism, a charge taken sufficiently seriously

by Hermann, bishop of Prague, on his death-bed in 1122 to accuse himself of negligence in allowing Jews to relapse.

There is no record of the Papacy responding in any way to the pogroms of 1096. In the pontificate of Calixtus II (1119–24), however, there was issued, in response to Jewish petitions, a letter of protection for Jews which has a good claim to be the most important single papal statement on this subject (Simonsohn 1988: 44, 51; Grayzel 1962). For it was to be frequently reissued by many popes, sometimes with updating, and it was to find a place in the official code of canon law. Calixtus was strongly committed to the crusade both in the Holy Land and in Spain. There is no evidence to link *Sicut iudeis* directly with crusade preaching. But it fits the context. It reiterates that Jews were not to be coerced into baptism, that their persons and their property should be protected from arbitrary violence and from punishment without due legal process. They were to be permitted to practise their religion, though forbidden to build new synagogues or to enlarge or make more ornate existing ones. These permissions were to apply only to those Jews who did not seek to subvert the Christian faith. That Jews were enemies awaiting their opportunity to strike against Christians was commonplace in Christian thought.

THE SECOND CRUSADE: RENEWED PERSECUTION IN 1145

The fall of Edessa in December 1144 sparked off a new burst of crusading zeal. It sparked off, too, a new burst of Jewish anxiety. Rabbi Ephraim of Bonn, a contemporary witness, gave voice to it:

We called out to the Lord, saying ‘Behold, O Lord our God, not yet fifty years have passed since our blood was spilled for the unity of Your revered name, at the time of the great slaughter. Will you forsake us for ever, O Lord? Will your anger last throughout the generations? Such tribulation should not recur twice.’

(Eidelberg 1977: 122)

But recur it did, *Sicut iudeis* notwithstanding. Persecution of Jews was preached to sympathetic ears especially by a maverick Cistercian, one Raoul. In many towns of France and Germany (including Mainz, Worms and Cologne, where the Jewries had earlier suffered so severely) he urged the death of Jews as enemies of the Christian religion. Peter the Venerable, Raoul’s Cluniac contemporary, disclaimed any intention of ‘sharpening Christian swords against this impious people’. But, nevertheless, he made a strong case for doing so. ‘What would be the profit’, he demanded of the king of France, Louis VII, ‘if the Saracens, the enemy in distant lands were conquered, while the Jewish blasphemers, far worse enemies of Christians than Saracens, were allowed in our very midst, with impunity to blaspheme, despise and disfigure Christ and all the Christian sacraments?’ How can zeal for God consume his sons if the Jews, the foremost enemies of Christ and Christians, are allowed to escape totally unscathed? A Christian king should heed the words of a holy king of old: ‘Have I not hated them, O Lord, that hated thee: and pined away because of my enemies? I have hated them with a perfect hatred’ (Ps. 138: 21) (Constable 1967: 327–30; Friedman 1978; Torrell 1987: 339–42). It was sentiments such as these,

along with greed for Jewish wealth, which led again to crusaders and townsmen combining to present Jews with the choice of baptism or death, with desecration of Torah scrolls, and looting of Jewish properties. All the atrocities of 1096 were repeated in 1146 and in much the same region.

Ephraim of Bonn's *Book of Remembrance* suggests that despite the brutalities which attended the Second Crusade, the Jews were somewhat better protected. Otto of Freising credited Conrad III with protecting many Jews as also the citizens of some towns (unspecified) (Waitz 1912: 372). Ephraim of Bonn credited the archbishop of Cologne with considerable success in protecting Jews. He noted too that there were Gentiles who safeguarded their Jewish acquaintances. Judicious use of Jewish money is also a theme of Ephraim's account, buying protection, obtaining deterrent punishment of murderers.

Both Otto of Freising and Ephraim of Bonn, our main sources of information for the pogroms of 1146, gave prominence to the role of Bernard of Clairvaux in combating attacks on Jews. Both accounts make it twofold. He was able to silence the inflammatory preaching of Raoul. He constructed a theological defence of Jews which he propagated widely. That God himself had forbidden Jews to be killed as enemies of the Christian religion became an integral part of crusade preaching.

Both writers recorded that Bernard's argument was presented as an exegesis of Ps. 58: 12: 'God shall let me see over my enemies: slay them not, lest at any time my people forget. Scatter them by thy power: and bring them down, O Lord my protector.' The classic interpretation of this text, applied to the Jews, had been supplied by Augustine: it was God's will that Judaism should survive and that its survival and dispersal throughout the nations should serve to support the truth of Christianity. Bernard put his personal stamp on this reading. He commended the zeal for God of those who took up arms against the Saracen but instructed them to do so according to knowledge (cf. Rm. 12: 2). And the knowledge they were to have is that 'Jews should not be persecuted nor killed nor even expelled'. For Christ speaking through his Church in the psalm has stated, 'God has made it known to me not to kill these my enemies'. And discerning God's purpose in his decree, he argued that their dispersal among Christians was a reminder of Christ's redeeming suffering because it was at their hands that he had met his death. Dispersal as punishment for this very great crime had brought Jews to harsh captivity under Christian princes. There was a further reason for believing God wanted Jews to survive. Alexander II had used the same argument. God had promised that their conversion to Christ would eventually occur: 'If the Jews are totally destroyed, how can we hope for the salvation which has been promised for them at the end, their final conversion?' (Leclercq and Rochais 1977: 316; Dahan 1987: 59-64).

Peter the Venerable used the same psalm text to argue for Jewish survival. But he was arguing a particular course of action: 'Let their lives be preserved but let their money be taken from them so that the insolence of the infidel Saracens be subdued by the right arms of Christians, strengthened by the wealth of the blaspheming Jews.' He argued for the appropriateness of relieving Jews of wealth, illicitly acquired, to serve the great cause.

It was to Louis VII that he proposed his plan. Ephraim of Bonn noted that French Jews did lose much of their wealth through the action of the king. It would seem, however, that in this context of financial exploitation of Jews in support of the

crusade, it was Pope Eugenius III who had more direct influence on Louis VII than Peter the Venerable. For the pope was offering privileges to crusaders, one of which was exemption from paying interest on past loans, with absolution from any oath binding them to a loan contract (*Quantum praedecessores*, 1146). Bernard supported this inducement in his crusade preaching. It is unclear how it was implemented but that it led to Jewish financial loss is not difficult to believe.

Another action of Louis VII may well have given greater cause for concern. He issued a decree against Jews who returned to Judaism after baptism (Luchaire 1885: 143). They were to be banished from the kingdom under sanction of death or mutilation. Coerced baptism was not specifically mentioned, but the implementation of this decree in the crusading context where forced baptism was a regular feature was a potentially very serious threat.

THE THIRD CRUSADE: ENGLAND AND GERMANY

At the foot of the mound which is crowned by Clifford's Tower in the city of York there stands a commemorative plaque. It reads:

On the night of Friday 16 March 1190 some 150 Jews and Jewesses of York having sought protection in the royal castle on this site from a mob incited by Richard Malebisse and others chose to die at each other's hands rather than renounce their faith.

Let them give glory to the Lord and let the people of the islands voice his praise [this in Hebrew].

(Isaiah XLII 12)

The biblical text is doubly apt – both for what it states and for its echoes of the medieval Jewish poet Rabbi Menachem ben Joseph in his elegy on Jewish martyrs, including those of York, concluding as it did: 'They spurned the vanity of life . . . thus they gave glory to the Lord and declared his praise in the island.' That the plaque, erected as a gesture of reconciliation, is sited where it is, is also apt for it marks the scene of England's worst pogrom (Howlett 1884–9: i. 293–9, 308–24; Dobson 1974). But what happened in York was not just of local and national significance. It was another example of that European phenomenon, pogroms at the time of crusades.

The York atrocity of March 1190 was actually far worse than the plaque indicates. The memorial commemorates martyrs, those within the castle who accepted death, whether self-inflicted or at the hands of loved ones, rather than submit to baptism by force, the Jews who accepted the advice of the much-respected elder, Yomtob of Joigny who happened then to be visiting this furthest outpost of European Jewry. The rabbi in William of Newburgh's account presented the starkness of the threefold choice: between acceptance of baptism, which was to choose the disgrace of apostasy, refusal of baptism, which would mean death in mockery at the hands of impious enemies or, on the other hand, in the praiseworthy manner and in the tradition of their ancestors, a willing and devout surrender of life to the one who asked us to die for his law at our own hand. It was those who accepted this martyrdom that Jewish tradition has especially memorialised. There were, however, two other

incidents of massacre to raise the death-toll substantially, significantly to increase the guilt of those responsible, and to exacerbate the horror of the whole event.

Some Jews, unable to reach the protection of the royal castle, were slaughtered in the streets when they refused to accept baptism. Others, inside the castle, were not persuaded to accept the suicide pact. Newburgh has them crying down to their besiegers that they were 'prepared to accept your accustomed demand of us that we be washed clean in holy baptism and our former rites abandoned, to be united to Christ's Church'. Their submission in the form of asking for acceptance as brothers in the peace of Christ was to be shamefully betrayed. Lured from the castle by promises of safety they were mercilessly butchered by Malebisse and his followers even before they could be baptised. In effect the York Jewish community, men, women and children, their properties and possessions and their business records, had been obliterated.

This York pogrom was no isolated incident. It was rather the culmination of a series of attacks on Jews through the length of eastern England over the previous six months. The first riot occurred on the day of Richard I's coronation at Westminster, 3 September 1189. The leaders of the English Jewish community had come to London at this time to seek renewal of the privileges conceded to them by the late king, Henry II. This would be standard procedure, not merely for Jews but for many different sorts of petitioners who felt they needed formal reassurance of their legal position at the beginning of a new reign. The Jews had some difficulty in gaining access to Richard and as they waited, they were first jostled and then severely attacked by a mob. As the convenient rumour spread through London that the king planned the expulsion of the Jews, the initial attacks escalated into a wholesale assault on the persons and properties of the London Jewish community, England's largest, by an out-of-control mob, 'foaming at the mouth for plunder and for the slaughter of a people by God's judgment hateful to all', in Newburgh's explanation of the ferocity of the onslaught. Many Jews were killed, as also some Christians, in squabbles over the booty from Jewish houses which had been thoroughly pillaged and set on fire. There were forced baptisms.

There followed in February and March 1190 attacks on the Jewish communities in Norwich, King's Lynn, Stamford, Lincoln, York and Bury St Edmunds. Greed, envy, bloodlust were at work in all these towns. In most of them some Jews were killed, others forcibly baptised, their properties looted. In some, notably Lincoln, if they moved quickly, Jews were able to secure protection in the royal castles near to which they habitually lived, against the days of just such emergencies. But in most, casualties were high in proportion to the relative smallness of these provincial communities, and the damage to their properties severe; royal protection proved in the event to be of uncertain and variable quality. It was the conspicuous failure of royal officials to deliver that security to Jews which it was their duty to provide, which made the London and York attacks particularly vicious.

The chroniclers, who bring us as near to contemporary informed opinion as we can get, represent these attacks as unprecedented in England. Up to this time the *pax Judeorum* had held good; London had witnessed no previous outrage, we are told. What had gone wrong? The novelty challenged the chroniclers to explanation. Sometimes they could pinpoint an immediate cause, discerning in a particular happening the spark of the explosion: the minor scuffle at the palace of Westminster

which precipitated the London pogrom; an alleged attempt by the Jews in Stamford to seize by force a Jew who had become a Christian and who had taken refuge in a church. Without hesitation Newburgh attributes the York massacre to an organized plot devised by Malebisse and his associates all heavily in debt to the Jews to whom their lands were pledged. They were under pressure to repay their loans, as the Jews in their turn were pressurised by the king's demands on them. Significantly, Newburgh's account of the York massacre ends with the destruction in York Minster of all records of debts to the Jews which had been kept there.

More general explanations of the attacks were offered. The dean of St Paul's, London, Ralph of Diss was emphatic that the responsibility for the attacks on Jews throughout England lay on those who had vowed to go with Richard on crusade. And he condemned them succinctly, with the Bernardine defence of Jewish survival:

Many men preparing to march on Jerusalem decided to rise against the Jews before they attacked the Saracens. Therefore on 6 February [1190] they killed as many Jews in Norwich as could be found in their homes; some Jews found refuge in the castle. On 7 March in Stamford on market day many Jews were killed. On 16 March almost five hundred died in York, it is said, of wounds inflicted on each other. For they preferred to have their blood let by their own people rather than perish at the hands of the uncircumcised. On 18 March, Palm Sunday, fifty-seven Jews are said to have been murdered at Bury St Edmunds. Wherever they could be found Jews perished at the hands of the crusaders (*peregrinantes*) unless they were rescued with the help of those living in the town. It must not be believed that this slaughter of Jews, so disgraceful, so wicked, was acceptable to thinking men; the words of David come frequently to our ears: 'Slay them not'.
(Stubbs 1876: ii. 75-6)

Newburgh also recognised crusader involvement in the mounting of these attacks, though he viewed it rather differently and assigned to it only a secondary role. To his mind, the crusaders despoiled Jews in order to finance their crusading pilgrimage. He related how crusaders at Stamford and York and probably at King's Lynn rationalised their robbery from Jews as a service to Christ, since they were using the proceeds to pay their crusading expenses. However, Newburgh did not consider the outbreaks of violence as essentially crusader-created. In his analysis, it was on Henry II that there lay primary responsibility for the violence. Three times in his *History of English Affairs* did he express his condemnation of that king. In his own financial interest, Henry had over-encouraged and over-protected these enemies of Christ and their usurious practices; as a result, they had become arrogant, extortionate, oppressive of Christians. Hence such a backlog of resentment had been built up that eventual disaster to the Jews inevitably followed. And so it was 'by the just judgement of Christ' that retribution followed, even if it were implemented by wrong-doers.

All the attacks on Jews in 1190 took place after King Richard had left the country on crusade. It may be that had he been in England more drastic intervention on behalf of his interests might have prevented the worst of the atrocities. However, it is relevant to note, at the time of his coronation in September 1189, he had been powerless to stop the London riot and totally ineffectual in punishing the criminals, despite his reported anger at the grave injury done to the royal authority.

That injury was compounded when, immediately following the London incident, after he had affirmed his peace and protection for Jews, it was ignored in so many provincial towns.

The weakness of the English government in this crisis contrasted markedly with the success of the German monarchy in protecting its Jews in the context of crusader threats to their lives. The Emperor Frederick I who took the Cross in Mainz in March 1188 was already a veteran crusader having served under his uncle Conrad II on the Second Crusade. The Jews of Mainz, as of other Rhineland towns, were in their very different way also veterans of crusading, their community having suffered virtual obliteration at the time of the First Crusade and having been terrorised at the time of the Second by the inflammatorily hostile preaching of the Cistercian Raoul. In 1188–90 the experience of ruler and ruled combined to frustrate the savagery of some crusaders who, like some of their predecessors, thought that Jews were indistinguishable from Saracens as common enemies of Christ and ought either to be baptised or to be killed. The Jews were quick to take refuge in castles that proved safe. They organised for themselves a negotiating team to keep their plight in the forefront of the concerns of the civil authorities and to have it adequately provided with the cash necessary to ensure protection that was effectively activated. They were successful in securing the cooperation of the emperor. He forbade attacks on Jews under threat of condign punishments. According to a Jewish source, a letter of Rabbi Moses ben Eleazar, anyone who wounded a Jew was to have his hand cut off; anyone who killed a Jew would himself be killed (Chazan 1970: 84–93). And the emperor made sure that his officials understood he was in deadly earnest about ensuring the safety of his Jews. Furthermore he induced the German bishops to back up his measures. To quote Eleazar again, ‘the bishops condemned anyone raising his hand against the Jews in order to harm them’, their privileged crusader status notwithstanding. These early, coordinated and appropriately firm measures taken by the Jews themselves and the Christian authorities acting responsibly, alerted by memories of the unhappy experiences of earlier crusade ventures, contrast sharply with the ineffectuality of English officialdom with its complacent assumption that the hitherto unbreached *pax Judeorum* would continue to hold even in the circumstances of the crusade fever now affecting England for the first time.

The English government reacted strongly to the damage done to the royal authority and treasury by the violence of 1190. There was first an attempt at punitive action. At the beginning of May 1190, the chancellor William of Longchamp, bishop of Ely, arrived in York to seek out and punish those who had violated the king’s peace given to Jews and to seek recompense for the damage caused to the royal treasury by destruction of their property and loss of their money. By this time the ringleaders of the conspiracy had fled either to Scotland or on crusade. The city authorities claimed that they had neither participated in the massacre nor had they been strong enough to prevent it. Hostages from the citizenry were taken and held until the richest citizens on behalf of the city as a whole paid fines. But the mass of the rioters, many of them from the surrounding countryside, could not be identified. Longchamp sacked the royal officials, that sheriff and constable of the castle whose inadequacies had allowed the initial attack to get out of hand and bring about the deaths of so many Jews whose safety in the castle should have been guaranteed. Malebisse himself forfeited his estates, which presumably was why in 1191 he joined

John in rebellion against the king. When John became king in 1199 Malebisse made fine for all past offences, including his part in the York massacre, and his lands were restored to him. Careful attempts to identify the numerous other Yorkshire gentry who were Malebisse's associates have not been very successful; evidence, it would seem, though negative, that their punishments, if any, were of no great severity. Attempts to recoup in the king's interest what had been lost in the destruction of Jews' property were pursued for some years, as the instructions given to the itinerant justices in 1194 show. But their degree of success is difficult to establish. All in all, Newburgh was right if he meant no one paid with his own life for killing Jews when he wrote between two and four years later: 'Up to the present time, no one has been condemned for that massacre of Jews'.

There were, however, developments in the aftermath of the massacres of Jews of greater long-term significance than punitive measures and the securing of compensation for loss of Jewish resources. Richard made clear that Henry II's policy of privileging Jews would continue by renewing the charter by which the special position of Jews in England and Normandy would be guaranteed. It was a charter which also underlined the royal monopoly of control of the Jews. But he also went further than had Henry II in tightening the link between Crown and Jews.

This he did by establishing a permanent exchequer of the Jews, a sub-department of the Great Exchequer, the hub of royal government. There had already been, in the late 1180s, some movement towards setting up a distinct government department to deal with Jewish affairs. It had been found administratively convenient in 1186 to handle the collection of the tallage on Jews separately from the rest of the revenue-raising. Likewise, after the death of Aaron of Lincoln it had been found easier to reckon the amounts of the king's take-off from outstanding debts by setting up an 'exchequer of Aaron'. But in 1194 when Richard returned to England and ordered a general survey of his assets and a certain reorganisation of their management, earlier *ad hoc* arrangements of Jewish financial matters were put on a more permanent basis. It was then that the exchequer of the Jews began to take shape. The justices in the eyre of 1194 were instructed to register all Jewish properties of whatever sort, to nominate six or seven towns where all loan contracts were to be registered by officials appointed to oversee the appropriate procedures: 'from this time', the instruction ran, 'no contract is to be made with nor payment made to Jews nor any alteration in the bonds except before these officials or a majority of them'. Here is the birth of the exchequer of the Jews, with its 'keepers', its standard form of contract (the chirograph), its chests (*arcae*, which became the generic term for the repositories of loan records); a government department which had competence over Jewish affairs, both as a financial agency and a law court. We hear no more of such arrangements as had made York Minster a place of deposit for records of debts, readily open to the likes of Richard Malebisse and his fellow-criminals. Jews were now formally administered directly by the Crown and, while still having recourse to the ordinary royal courts, had now a court specialising in matters Jewish, especially those concerning loans. The development probably enhanced their security and the efficiency of their business dealings because they were the more clearly underwritten by the Crown and its law. But it also enhanced their vulnerability for they were now to be even more readily at the mercy of the ruthless vagaries of inherently unstable royal fiscal policies. And they shared too the unpopularity of those policies in the

country at large (Stubbs 1868–71: iii, 262–7; Scott 1948–50: 446–55; Richardson 1960: 116–20).

The period of ruinously merciless taxation of Jews by the kings of England was as yet some way off (Stacey 1988: 135–50). Richard I, like his father before him, was reasonably moderate in his demands on his Jews. One sign that the Jews had weathered the storms of 1189–90 came in 1194 when the king taxed all the Jewish communities in the so-called ‘Northampton *donum*’ (Abrahams 1925: lix–lxxiv). Figures for the receipts of this levy are extant. They show that despite the attacks of a few years earlier healthy sums could still be raised without gross damage to Jewish businesses. In all, twenty Jewries contributed. York, King’s Lynn and Stamford did not figure in this record. But London, Lincoln and Norwich did.

An even surer sign of Jewish recovery came in the reconstitution of the York community. The Pipe Rolls for 1195 show Jewish lenders active in Yorkshire. By the turn of the century, York was one of twenty-seven towns where *arcae* were established (Richardson 1960: 14; Dobson 1974: 41–2). By the end of the second decade of the new century, royal taxation records strongly suggest that York had become second only to London as the wealthiest Jewish community in the country. Such was the courage and resilience of the Jews, such was the continuing high demand for their credit services, such was (the exceptional circumstances of 1189–90 apart) the power of royal protection. We witness in England a recovery similar to that achieved by the continental Jewries after the massacres and lootings of the First Crusade.

This is not to say that the recovery of the northern European Jewries was the result of cessation of persecution. Far from it. Such persecution, in the thirteenth century and beyond, could and did take many forms: most notably, in the baseless accusations of ritual murder, blood libel and host desecration and in wholesale expulsions (Rubin 1999). Nor is it to say that persecution in the crusade context ceased totally. The Shepherds’ Crusades of 1251 (Jordan 1979: 113–16) and 1320 (Barber 1981; Nirenberg 1996: 43–92) showed that at least for the peasants who made up the *pastoureaux*, the cause of the Holy Land demanded the killing of Jews as a preliminary. But in effect the chapter in the history of persecution of Jews which attended mainstream crusading closed in 1190² – and did so presumably because the ruling classes had at last come fully to appreciate that slaughtering Jews was inimical not only to their religion but also to their economic interests.

NOTES

- 1 Ivo of Chartres included them in his *Decretum* (Linder 1997: 671–2). The letter to all the Spanish bishops became particularly influential since the substance of it entered Gratian’s *Decretum*, C. 23 q. 8 c. 11 (*Dispar*) and thus became an ordinary part of a canonistic education.
- 2 Although it has been suggested that crusade involvement stimulated some rulers to further tighten restrictions on Jews: Jordan 1979: 154; Stacey 1988: 146.

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CHAPTER ELEVEN

IMAGINES HISTORIARUM

Visions of the past in medieval illuminated manuscripts¹



Rosa M. Rodríguez Porto

STORIA STORIATA: THE PAST AS SEEN

The invention of the Middle Ages as *media tempestas*, a time of darkness in between Antiquity and the Renaissance, starts with Petrarch, or so the master narrative of Modernity goes (Mommson 1942). According to it, the poet's acute perception of an incommensurable distance between the 'sad centuries' he was living in and the glorious past of Rome he considered as his sole *patria*, would have paved the floor for the development of a true historical consciousness and a higher archaeological discernment throughout the fifteenth century, in parallel with the theorization of the *perspectiva artificialis* as a system of representation in the realm of the arts. The acquisition of a 'proper' insight into the past would have depended, then, on finding the 'right' distance from which to look at it, a capacity the 'myopic' Middle Ages lacked. No matter how simplistic, this visual cognitive metaphor (Guillén 1971: 283–374) remains as persuasive today as in Erwin Panofsky's *Renaissance and Renascences in Western Art* (1960) or Peter Burke's *The Renaissance Sense of the Past* (1969).² Yet images in medieval illuminated manuscripts tell a more nuanced story.

It might be appropriate to start this journey into the past as visualized in the Middle Ages by walking along that other 'middle space' – Purgatory – following the trail of Dante and Virgil in the *Divina Commedia*. In *Purg.* X, 28–96, a canto that has made rivers of ink run, the pilgrim and his guide arrive at the Terrace of Pride, where Dante contemplates in amazement three marble reliefs sculpted by God Himself that surpass both Nature and Art in bringing alive the scenes they represent. These are to be read from left to right, starting with the Annunciation and King David dancing before the Ark, to culminate in a long description of the image of the Emperor Trajan doing justice to a widow:

Quiv'era storiata l'alta gloria
del roman principato, il cui valore
mosse Gregorio a la sua gran vittoria;
i' dico Traiano imperatore;

e una vedovella li era al freno,
di lagrime atteggiata e di dolore.
Intorno a lui pareva calcato e pieno
Di cavalieri, e l'aguglie ne l'oro
Sovr'essi in vista al vento si movieno
[‘There was pictured the high glory of the Roman
prince whose worth inspired Gregory to his great victory:
I mean of the emperor Trajan; and a poor
widow woman was at his bridle, in an attitude of
tears and grief.
Around him appeared a great crowding of
horsemen, and above them the eagles in the gold
seemed to be moving in the wind’].

(Dante, *Divina Commedia*, *Purg.* X, 73–81;
trans. Durling 2004: 162–63)

All three reliefs are termed *storia*, although the meanings of this word were not so easy to circumscribe then as for present-day readers. In the Middle Ages, *storia* – like the Latin *historia* and its equivalents in other Romance languages – may refer either to deeds thought to have happened in the past or to the account of these same events; either to texts regarded as authoritative or to images of vaguely narrative content (Damian-Grint 1997). All these possibilities are manifested in Dante’s poem, where the reader ‘confronts a sequenced unit of verbal images representing sculpted images illustrating texts which in turn describe events’ (Vickers 1983: 68). However,



Figure 11.1 The Justice of Trajan. Dante, *Divina Commedia*. Source: London, British Library, MS Egerton 943, fol. 81r.

the pairing of *storia* and *storiata* singles out the image of the justice of Trajan, as if highlighting the higher historiographical nature of the only non-Biblical episode among the three, for which a fixed iconography did not yet exist.

Despite the popularity of the legend retelling how the emperor's virtuous deed had moved Saint Gregory to tears and ultimately earned his salvation, the theme of the justice of Trajan had hardly been depicted before the mid-fourteenth century. When looking for potential visual sources for the scene and for the whole design of the marble reliefs, the Trajan Column has been suggested as inspiration for the ascendant helical path of the Terrace of Pride (Vickers 1983: 75–80), but if the Roman monument was indeed in the mind of the poet, Trecento miniaturists did not dwell upon the allusion (Zanichelli 2006). The earliest extant copy of the *Commedia* with an extended pictorial cycle, MS Egerton 943 in the British Library (Padua; c.1340), leaves out the Annunciation while giving the scene of David dancing before the Ark to Michal's contempt the appearance of a partial grisaille, maybe sparked by first-hand knowledge of the monochromatic cycle of Vices and Virtues painted by Giotto in the Arena Chapel three decades before. This suggests that the subsequent reception of this *canto* could have been mediated by other figural representations that Dante and his earliest readers might have seen, not necessarily sculpted or, even less, identified as ancient remains (see Bourdua 2015). In this regard, the depiction of Trajan and the widow (fol. 81r; fig. 1) as if they were living characters, detached from the background, is strongly reminiscent of the chivalric illustrations found in a copy of the *Roman de Troie* (Vienna, Österreichische Nationalbibliothek, Cod. 2571) attributed to the same artist, the so-called Master of the Padua Antiphonals.

To the general inquiry on historical imagination conducted in these pages these are not irrelevant issues. The way in which the past was given visible form in the minds of late medieval readers had at least as much to do with written records and ancient monuments as with the wealth of contemporary images that began to supplement the accounts found in textual sources, either in Latin or, increasingly, in the vernacular languages. As a consequence, from the mid-thirteenth century onwards, and for the first time since Antiquity, secular illustration achieved a place of its own and gave rise to fertile imagery in constant evolution. This was generated mostly anew and unaware of classical precedents (Avril 1996: 88–9), and proved able not only to suit the tastes and ambitions of royal patrons, aristocratic courts and urban elites, but also to permeate all levels of society.³ For Dante and some of his cultivated readers, images in books or in objects such as ivory caskets and tapestries constituted a privileged aperture into long-gone centuries and far places, brought closer by means of a 'visual translation' which displaced past events into the present (Hedeman 2008). This constellation of images would have been not only the backdrop for the redaction and reception of this particular passage of the *Commedia* in the Trecento but also – although this tends to be forgotten – an integral part of the visual culture shared by Humanist historians.

Not surprisingly, medieval secular illustration was considered by Aby Warburg (1995: 332–6), Fritz Saxl (1957) and Hugo Buchthal (1971) as a privileged locus of enquiry for understanding the crucial issue of the *Nachleben der Antike* (survival/revival of classical forms through time), so intimately associated with the intellectual pursuits of the Warburg Institute and its founder. Attracted by medieval depictions of the Trojan legend, the deeds of Alexander the Great and the lives of Roman

emperors, these scholars tried to find in these images the traces of both an emotional attachment with the past and, at the same time, of the potentially disruptive allure of pagan culture to Christian eyes. Their pioneering contributions on the study of the medieval reception of the classical tradition have inspired many others, who have broadened the scope of their enquiry and further problematized the ambivalent attitude of the Middle Ages towards Antiquity. In so doing, two interrelated issues have come to the fore: on the one hand, the extraordinary narrative sophistication of images found in secular books – for long time dismissed as of lesser quality than those found in religious works – and the subtle interplay they created with texts; on the other, the role of these *storiae* in negotiating intergenerational memory, as well as individual and collective identities.⁴ To a great extent, the effect these images had on medieval audiences was due to their power to remain imprinted in the mind, internalized as living *exempla*.

According to ancient and medieval descriptions of neurophysiological processes, sensory perception results in the creation of mental images (*phantasmata*) that, turned into the basic components of intellectual operations, are at the same time treasured by the *vis memorativa* and endlessly recombined by the *vis imaginativa* (Yates 1966; Carruthers 1990; Bolzoni 2001). The preeminence of the visual in mediating thought and language is indeed conveyed by the original meaning of the Greek word ἱστορία, which refers to a knowledge about the past acquired by investigation and based on visual witnesses (Guenée 1980: 77–8). Hence the *auctoritas* sometimes conferred upon images in Antiquity and the Middle Ages as instruments of verification (e.g. Fortini-Brown 1984: 264) contrasting with ‘the triumph of the word’ in humanistic historiography (Haskell 1993: 14). In much the same manner, explicit recognition of the persuasive quality of images when trying to visualise past deeds and figures would have gone hand in hand with immediacy and memorable evocation in historical writing (Auerbach 2007: 50–76). By bringing past events back into life, audiences would have been prepared for a vicarious experience of the actions retold.

The implications of the term *storia* discussed so far – visual, narrative, authoritative, exemplary – can be traced back to classical rhetorical treatises and to the works of the great historians of Greece and Rome, as that of Thucydides, who eloquently described this dual movement between texts and images, past and present:

Simonides calls painting wordless poetry and poetry verbal painting: for the actions which painters portray as taking place in the present, literature narrates and records as having taken place in the past. . . [T]he underlying aim of both is the same, and the successful historian is the one who makes his narrative like a painting by representing *vividly* emotion and character.

(Thucydides, *Moralia*, 246f–374a, my emphasis;
apud Baxandall 1971: 100–1)

This time-honoured assimilation of painting and historical writing was, of course, at the core of Leon Battista Alberti’s idea that the *historia* is ‘the absolute and indeed the ultimate work of painting’ (*De Pictura*, II § 33). However, it would be misleading to consider the Albertian reformulation of this parallelism as an innovation or, even less, as a revival, since the usage of this term applied to images cannot be

verified before the Middle Ages and would only become established in the wake of the development of book illustration. Therefore, instead of being a technical term increasingly associated with (ancient) relief sculpture and only consolidated in late fourteenth- and fifteenth-century Italy, as Anthony Grafton contends (1999), *istoria* had a long medieval tradition that Alberti could not have failed to know. In fact, it was Giotto's *Navicella* that he presented as the paramount example of a painted *istoria* (Greenstein 1992: 35, 39). His selection of the mosaic of Jesus calming the tempest that once decorated Old St Peter's illuminates two crucial traits of late medieval historical imagination that will be further explored in what follows: whereas Alberti underlines Giotto's verisimilar portrayal of human feelings and emotions, his reference to the *Navicella* – a political work intended to assert the authority of the Papacy in Rome at the time of the Avignonese exile – betrays an awareness of the capacity of *istorie* to integrate different levels of meaning in addition to the literal one (Belting 1985: 153, 155).

Alberti's insistence on narrative values and persuasive qualities reminds us of the inherent tension in medieval historiography between the truthful account history was supposed to provide and the exemplary value it should have (Nichols 1983; Kempshall 2011; Agapitos and Mortensen 2012). Already in Antiquity, the conflicting demands of historical representation had tended to blur the distinction between fact and fiction and cause partial displacement of the correspondence between narrative and reality by seeking internal rhetorical and poetological coherence of the whole work. Although Humanist authors endorsed distinctive values such as monumentality and philological consistency – analogous to the systematization afforded by Alberti's rational definition of the pictorial space (cf. Struever 1970: 75–9 and Baxandall 1971: 121–39) – the emphasis on verisimilitude and the skilful emplotment of materials was already present in late medieval historiography and *istorie*. The creation of an illusion of 'seeing the deeds of the brave men who were in the past . . . as if they were unfolding before our eyes', was the almost magical effect of both words and images for Richard de Fournival (c.1260; see Huot 1987: 141–7; Buettner 1992: 79–80; Stones 2005). And even in the absence of actual illustrations, texts were able to create an immersive fiction as effective as the *visibile parlare* ['visible speech'] (*Purg.* X, 95) of the divine reliefs described by Dante. Contemplation of the incised marble bewildered the poet, just as before it had bewildered Aeneas, reducing him to tears when confronted with a depiction of the Trojan War in Carthage (*Aen.* I, 462), or Paolo and Francesca, whose passion had been unbounded after reading about the furtive kiss of Lancelot and Guinevere (*Inf.* V, 128; see Saxl 1957). In either the recollection of personal memories prompted by an actual image or the personal resonance acquired by the evocation of scenes of times long-time gone, there was a transference of effect from past to present and vice versa that kept in place this network of images, creating a bond across time and space between ancient figures and present readers.

CHRONICA/HISTORIA: FROM STEMMA TO NARRATIVE

Almost no marks of use can be found in the pages of the luxurious five-volume copy of Alonso Fernández de Madrigal's *Comento de Eusebio de las Crónicas o tiempos interpretado en vulgar* ['Vernacular Commentary and gloss on Eusebius' *Chronicle*']

made in Plasencia c.1489 for Juan de Zúñiga, Master of the Order of Alcántara. Only a marginal note – *cronica* – written in a sixteenth-century hand calls attention to a passage on the differences between ‘chronicle’ and ‘history’:

History is the written account of past events and deeds; chronicle is a text not about events but about the times in which those deeds happened or were thought to have happened. And it is a word of Greek origin, after *chronos* which means ‘time’ in Greek, thereby chronicle as scripture of times . . . even of those when nothing happened. . . . That is so because the intention of the author is to consign times by themselves.

(Lisbon, Biblioteca Nacional de Portugal, MS IL 117, fol. 47rb)

Although the clear-cut generic distinction established by Alonso de Madrigal was far from common practice in medieval historiography (Guenée 1980: 203–7), these categories witness to the existence of two fundamental approaches to historical writing that, ultimately, also resulted from two diverging modes of envisaging the past. On the one hand, that of history proper, aimed at the sort of emplotted account (cf. White 1973: 7–11) defined in the previous section and conducive to the illusion of a witnessed event. On the other, the pre-narrative experience of time afforded by chronological tables, genealogical trees or series of kings and prelates, all of them coinciding, at least etymologically, with the chronicle’s (rather than with history’s) account of the matter. In contrast to the descriptive and particular nature of the former, the latter would be characterised by its general scope and the goal to locate and coordinate a variegated ensemble of events and characters in time and space.

This aspiration to comprehensiveness was rare in ancient historiography, usually limited to either the more immediate past or to local concerns, and would only acquire credence with the advent of Christianity. Perhaps it is not by chance that the earliest attempt to make visible the unified and universal conception of time brought about by Revelation occurs in the synchronic tables with the deeds of Jews, Greeks and Romans included as an appendix to the *Chronicon* of Eusebius of Caesarea (c.325). By contrast to the occasional inclusion of images supplementing the historiographical texts of Late Antiquity, Eusebius preferred to devise a parallel timeline, similar to the tables he had also designed to show at a glance the concordances of the Gospels.⁵ However, this original *mise en page* would not have been less ‘figurative’ so, as acknowledged by Cassiodorus two centuries later when he referred to these correlated columns of dates and brief records as *imagines historiarum* [‘images of history’] (I, xviii, 2), by displaying together deeds and events in synchronic fashion Eusebius was offering his readers a veritable ‘picture of time’. It might have been clear to him, as it would be to Anthony Grafton and Megan Williams (2006: 114), that the purpose of the whole scheme was to evince the providential destiny of the Constantinian empire since all world monarchies ended by converging into the column devoted to Roman history, as in a sort of diagram of human history activated by the act of leafing through the pages.

Eusebius’ synchronic tables were an editorial novelty, although the use of diagrams had a much older history in Roman times, related to the patrician custom of displaying the funerary effigies of ancestors in the atria of houses. These were frequently accompanied by painted charts where the names of the forebears appeared

linked by lines specifying the relations among all members of the family. From the wreaths – *stemmata* – that sometimes encircled their names these schemes began to resemble trees, giving origin to the pervasive arborescent metaphor associated ever since then with the imaginary of kinship (Klapisch-Zuber 2000: 20–3). In one of the copies of the *Genealogia regum francorum* by the Dominican Bernard Gui, produced c.1330 in the south of France (Madrid, Biblioteca Nacional de España, MS 10126, fols. 147v–148r; fig. 2), the central position accorded on the page to the trunk of the French dynastic tree carefully underlines the agnatic line and the orderly succession of monarchs throughout time. The branches, for their part, allow the reader to navigate through the biographical summaries that compose an abridged summary of the history of France going back to the mythical Francion, son of King Priam of Troy, from whom the Capetians claimed to descend (Klapisch-Zuber 2000: 153–85). But, in so doing, the pictorial ensemble designed by Gui would have embodied the same values that the old funerary masks had in Republican Rome had possessed: asserting and hierarchizing family bonds, bringing the dead back to life in the memory of their successors, and offering an image of institutional continuity that represented – literally, stood for – the idea of sovereignty.

Genealogical understanding was as indispensable for defining kinship and legitimacy as the rigid chronological frame found in Eusebius’s *Chronicon* was for organizing subsequent, and more ambitious, historiographical enterprises (Guenée 1980: 147–65). Therefore, the instrumental function of genealogy and synchronicity was

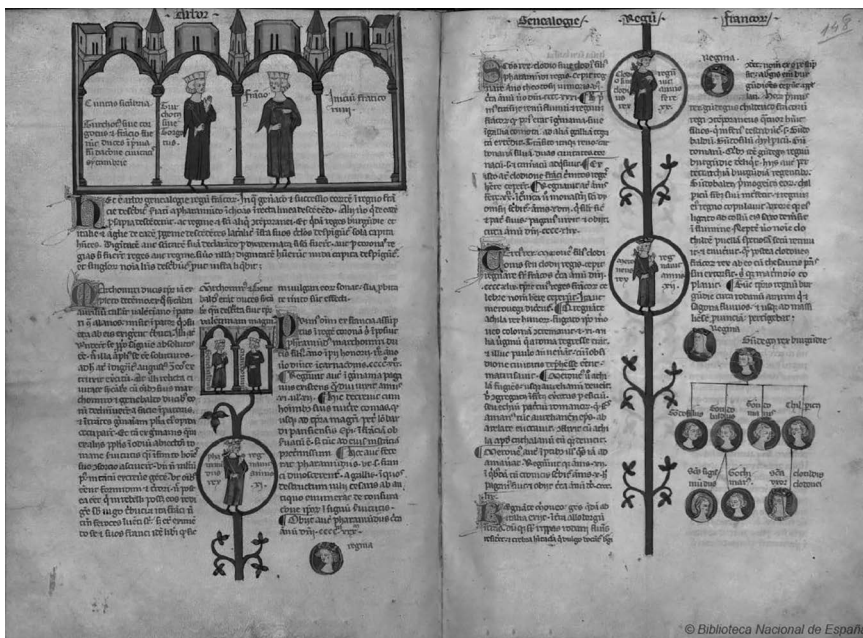


Figure 11.2 Bernard Gui, *Flores chronicorum* and other texts (Madrid, Biblioteca Nacional de España, MS 10126, fols. 147v–148r). The origins of the Kings of France. © Biblioteca Nacional de España.

not merely limited to works including diagrams and tables. Indeed, ‘in the absence of theoretical assumptions about historical writing’, they acted as ‘perceptual grids’, guiding the work of the historian (Spiegel 1999: 103). Whether appearing on the face of the page in illumination as in the *Genealogia regum francorum* or remaining as a watermark underlying the narrative, genealogy was a primary form of historical thinking, an elementary means of shaping an account of the past. The same principle applies, for instance, to many of the contemporary copies of the *Grandes Chroniques de France*, despite their narrative not being explicitly formed by a genealogical mould (cf. Hedeman 1991: 30–6).

However, the brief texts and *tituli* found in diagrams and tables called for more vivid images such as those inserted in the hybrid works of Sigebert of Gembloux and Paolino Veneto, attesting to the capacity these basic historiographical matrices had to accommodate narrative illustrations and to be animated by maps as well as by biblical and pagan figures.⁶ All the more so did works that could properly be denominated ‘histories’, such as the Anglo-Norman *Estoire de Saint Aedward le rei* (Cambridge, University Library, MS Ee III 59; Westminster, c.1255). In this illustrated vernacular life of Edward the Confessor – probably a copy of an original attributable to Matthew Paris – the anonymous narrator explicitly declares that [*p*]ur ço ke desir e voill Ke oraille ot, voient li oil (fol. 29v) [‘I desire and wish that what the ear hears the eyes may see’] (Lewis 1987: 49). His words, in conjunction with the extraordinary pictorial cycle, perhaps addressed to the future queen Eleanor of Castile (Binski 1990), invite us to reconsider how the vernaculars substantially changed the way in which the past was imagined in the Late Middle Ages, by contrast with a historiography cast almost exclusively in Latin. It was Erich Auerbach who in his posthumous work *Literary Language and Its Public in Late Latin Antiquity and in The Middle Ages* (1965) underlined the fundamental role of the vernaculars in the creation of an educated public in Western Europe for the first time since the end of Antiquity, a process that partially explains the exponential rise in manuscript production and literacy rates perceivable since the mid-twelfth century (e.g. Clanchy 2012). No doubt, these major social changes are also behind this process of ‘visual enrichment of history’ (Morrison and Hedeman 2010: 191) that begins to fully manifest itself about 1250. Before that, only a few extraordinary but isolated examples commissioned by powerful monastic institutions, great pilgrimage sites and prominent figures of the imperial court can be identified.⁷

The work of Matthew Paris is revealing because of the unusual combination of the two facets of historian and illuminator in the same person. Scrutiny of autograph manuscripts such as that of his *Historia anglorum* and Part III of his *Chronica Majora* (London, British Library, Cotton MS 14 C VII; St Albans, 1250–1259) allows for an in-depth analysis of his visual compulsion to create a ‘reservoir of images’ to make his account more memorable and, not least, to facilitate consultation of these monumental works (Lewis 1987: 45). Matthew had adopted the system of marginal *signa* – e.g. crowns for royal affairs, croziers for ecclesiastical issues – already devised at the end of the twelfth century by the annalist Ralph Diceto to guide the reader in his *Abbreviationes Chronicorum* (London, British Library, Royal MS 13 E VI; repr. in Lewis 1987: 44, ill. 21), but turned some of those abstract symbols into dynamic scenes in the margins. Regardless of the biased or inaccurate views he may have endorsed, these minimal narrative units offered a prismatic view of the dramas of the past, bringing back the figures and voices of the main characters. A notable example of his talent for

story-telling and his ability to profit from all narrative resources at hand is the breathtaking depiction of the condemnation of the emperor Frederick II at the Council of Lyons in 1245 (fol. 138v). The struggle is graphically conveyed in the contortion of the imperial legate, Thaddeus of Suessa, who with his menacing gesture echoes the words in his roll: *Dies ista, dies irae calamitates et miseriae* (Lewis 1987: 264–5). One can only guess at the effect this speech might have produced amongst an audience in which some members of the English royal family might occasionally have been present. If so, the other depiction at the bottom of the page would have led them back home, and in particular to the royal complex of Westminster, recently reconstructed by Henry III as the illustration commemorated.

This paratactic arrangement, suggestive of an ‘unconnected multiplicity’ of events (Lewis 1987: 51), might have been determined by the annalistic structure of the *Chronica Majora* and by Matthew Paris’s individual temper as a historian, but it is just one among the many narrative procedures found in late medieval history books. I will attempt to identify some general trends, albeit briefly.

The challenge posed by the illustration of secular texts led to the maturation of new narrative resources to render visible not only the acts of the characters involved but also their internal motivations, feelings and thoughts, entailing the representation of emotions not explored in the illustration of Scripture – such as passionate love or irony – as well as the depiction of complex causal sequences developed throughout time (e.g. Pächt 1962; Ringbom 1980). Equally remarkable, though, was the gradual emergence of new book types and layouts created to suit the poetological requirements of vernacular literary genres and the practical needs of different audiences, from the plain pocket manuscript of the scholar to the picture book of the aristocrat and the quasi-industrial production of cheap illustrated copies for urban readers. As in classical rhetoric and poetics, these multiple variables were modulated according to a general principle of *decorum*, although interaction across genres, local traditions and visual languages was not uncommon – one need only refer to the Justice of Trajan (Figure 11.1) – as part of a highly refined exercise in manipulation of the viewers’ expectations and their familiarity with literary and visual conventions.

However, a distinctive trait unifies these diverse expressions of late medieval historical imagination. I refer to what Madeline Caviness (1991: 49) calls ‘the simple perception of matter’, that is, the depiction of ‘an event, or sequence of events, in terms of the specific locus, time, participants, actions, and human experience’. This shift to verisimilitude understood as narrative coherency, already perceptible in the work of Matthew Paris, was a distinctive attribute of late medieval visual culture, as was the ‘sharper vision’ that the vernacular languages would have brought with them. According to Auerbach (2007: 174–202), if there ever was a ‘vernacular way of seeing’ (cf. Camille 1985), it was defined by a move towards the concrete and sensory. Auerbach’s intuition sheds light on the interdependence linking visuality, poetics and historiographical writing of which I would like to cite a further example. But, first, we must move closer to Frederick II’s deathbed and to the scene as imagined by a well-known Florentine historian almost a century later:

It happened that, as his illness was getting worse, he was accompanied by one bastard son of his, named Manfred, who wanted Frederick’s treasure and to keep the kingdom of Sicily for himself. . . [so he] bribed the emperor’s private

chamberlain by offering him many gifts and great lordship, [in order to get access to his room] and suffocated Frederick with a pillow. And this is the way in which Frederick died, deposed from the imperial throne and excommunicated by Holy Church, without repentance or confession.

(Giovanni Villani, *Nuova Cronica*, VI, §41, my translation)

This same scene appears depicted in the only illustrated manuscript of the *Nuova Cronica* (Vatican, Biblioteca Apostolica Vaticana, MS Chigi L. VIII. 296, fol. 84r), probably created under the author's own supervision sometime before 1345 (Zanichelli 2005: 76). Comparison between text and image allows for evaluation of the respective values of texts and images, since the most conspicuous sign in the miniature is the anguished gesture of the emperor as he is suffocated with the pillow. While Villani, taking delight in the sinful death of the emperor, had preferred to overlook the victim's reaction in his account, the illuminator was confronted with the need to create a compelling visual drama for the viewers. He could not leave horror – and compassion – out of the picture.

Frederick's gesture reminds us about one spurious etymology concerning *history*, which sought to derive the word from *isteron* ['gesticulation'] because, as in the definition coined by Cardinal Stephen Langton (c.1228), 'it narrates only what is done and seen' (Greenstein 1992: 26; Sánchez Ameijeiras 2003). With Langton's words in mind one might reaffirm the agenda of these late medieval illustrated manuscripts in modelling the illusionist sensibility of humanist historians who, in Struever's words (1970: 75), attempted to capture 'the invisible action of the human mind as manifested in the visible behaviour of the person'.



Figure 11.3 Giovanni Villani, *Nuova Cronica* (Vatican, BAV, MS. Chigi L. VIII. 296, fol. 84r). Manfred kills his father, Emperor Frederick II. © Biblioteca Apostolica Vaticana.

TIME AND SPACE: SOME THOUGHTS ON THE NOTION OF HISTORICAL DISTANCE

I shall, therefore, as far as I am able to call events to mind, give an account of the quarrels of mankind from the foundation of the world to the foundation of the City [Rome], then move down to the rule of Caesar and the birth of Christ from which time all the globe has remained in the City's power, and then continue down to our own days, and in doing so will reveal, as if from a watchtower, the diverse parts of the world ablaze with evil after being fired with the torch of lust. But before doing this, I think it is necessary to describe the globe where man dwells, first in the threefold scheme into which it was divided by our ancestors, and then by regions and provinces, so that those who are interested when they are told of disasters caused by war or plague somewhere, might learn more easily not just of the event and its date, but also its location.

(Orosius, *Seven Books of History against the Pagans*,
I, 14–16; Fear 2010: 35)

This vision of a world on the verge of destruction and, at the same time, unified in the universal history of Salvation, speaks not only of the conflation of time and space in medieval historiography but also of another overlooked metaphor related to that of perspective. 'As if from a watchtower', Orosius looks down into regions and provinces which, viewed from afar, seem to resemble territories drawn on a chart. In fact, he evokes the image of a T-O map in the next sentence ['the threefold scheme'] to assert that the precise location of an event is as important as its description or its date, an idea he successfully develops in the rest of his work by reconciling the sequence of divine events from Creation to Apocalypse together with the master narrative of the succession of the Four Empires of Daniel along the points of the compass (Merrills 2005: 35–99). The mental map elaborated by the historian offered the reader a specialised arrangement of historical data akin to the Eusebian tables, where the idea of synchronicity had been conveyed by the topography of the page. Conversely, if maps like the one conjured by Orosius in his dynamic account could be turned into *loci memoriae*, it was equally possible to conceive the human mind as a vast landscape close to the fictional realm of the *Commedia*, a virtual space wherein to encounter not only those encountered in the past but also others far removed in time and space.

Walking along the territory of mind allowed for a form of time travel, but distances were relative and places had to be reinvented each time, much as in the maps designed by Matthew Paris to enable the monks of St Albans to undertake a spiritual pilgrimage to Jerusalem (Connolly 1999). The ambulatory metaphor accords well with the reformulation of the notion of historical distance by Mark Salber Phillips (2013: 4, 6), for whom it is 'a variable and multifaceted construction'. When looking at the idea of distance in relational terms, the binaries between *here* and *there*, *now* and *then* dissolve into 'a continuous gradation made up of all positions from near to far'. This premise blurs the radical divide established between medieval 'continuity' and renaissance 'distance', with their respective negative and positive connotations, and invites reconsideration of the thorny issue of the presumed lack of historical consciousness in the Middle Ages, with which I began. Since the conviction displayed by historians on

this point ultimately derives from a debate within the art historical field (Grazia 2010: 32), it may be appropriate to conclude this enquiry by critically re-examining the accusations of naïveté and ignorance levied against medieval representations of Antiquity. I will try to suggest instead that ‘anachronistic’ and ‘archaeological’ attitudes in the representation of the past coexisted throughout the Middle Ages and that they should be regarded as interdependent phenomena, deeply entrenched in habits of thought and social practices, which it is necessary to describe first.

As is well known, the need to read the Bible both in its literal and typological sense had a widespread impact throughout the Middle Ages and beyond, creating a ‘figural’ mode of thinking whose influence can be perceived in the arts of the period and in historiographical writing alike (Didi-Huberman 1990; Kretschmer 2015). According to Auerbach’s masterful analysis (2014: 96), ‘[f]igural interpretation creates a connection between two events or persons [separate in time] in which one signifies not only itself but also the other – and that one is also encompassed and fulfilled by the other’. However, it was not only the ambivalence encapsulated in the Pauline doctrine simultaneously affirming and denying continuity with Jewish religion (cf. Ginzburg 2001: 139–56) that grounded this pattern of thought. Likewise, the paired notions of *translatio imperii et studii* – the veritable conceptual template for historical writing and literary creation – suggested an intrinsic ambiguity between identity and change in the series of iterations across language, time and space implied by the transference of authority and cultural eminence from Assyria to Rome and beyond (Patterson 1987: 157–96).

Ultimately, the status of dialectical tension between past and present rested also on the conception of memory as an anachronic space and of imagination as a never-ending process of resignification (e.g. Didi-Huberman 2000; Carruthers 1998). In this context, it is legitimate to follow other scholars and question whether the myriad of illustrations depicting Greeks and Romans in medieval garment (Figures 11.1–11.2), pagan temples as churches and so on, were intended to present this appropriation of the past as unproblematic or, worse, mindless. Two main objections to this view, still prevalent, can be posed straightaway. On the one hand, the highly ideologised use of ‘secular typology’ (Spiegel 1999: 92–5) allowing the identification of individuals in the present with prestigious biblical or historical figures of the past, sometimes at the expense of obvious historical distortions which audiences must have detected (e.g. Tyler 2005); on the other, the existence of notable medieval forgeries able to defy modern experts, such as the Capitoline Wolf, which could not have been produced without an acute perception of stylistic evolution throughout time. Actually, the analysis of the images in medieval books usually reveals the presence of some small detail, token of the irreducible alterity of the past, which turns them into ‘a world apart, [in] accord neither with the “real” Antiquity nor with daily life’ (Raynaud de Lage 1957: 289–90). In a similar vein, Gabrielle M. Spiegel (1993: 100–1) has described how these texts and images created ‘a capacious field of metaphors through which medieval French society could project onto the screen of the past an image of itself *in historical perspective*’ (my emphasis). Moreover, if the nature of these *imagines historiarum* was conceptual, they would have been perceived as a sort of dislocated reality destined to foster self-conscious reflection among their audiences on the similarities and differences between past and present. This seems to be confirmed by the traditional association of the *romans d’Antiquité* – and, one might argue, their compelling

‘anachronistic’ illustrations – with the *argumentum*, defined already in ancient rhetorical treatises as the intermediate discursive mode between the factual *history* and the fictive *fabula* and reserved for those narratives about deeds which although they never occurred were deemed capable of having done so (Mehtonen 1996).

However, if past and present were permanently entangled and medieval audiences were encouraged precisely to keep them in a dialectical tension by recognising the coexistence of disjointed temporalities in cultural objects, the reverse attitude was also possible. The conception of time as an impure construct and of human creations as susceptible of reinterpretation and adaptation to suit changing circumstances allowed for excavation of different layers of meaning in them. In this regard, the medieval ‘passion for etymology’ (Guenée 1980: 184–92) was firmly anchored in the historiographical realm no matter how awkward that may look to modern eyes. As contended by Helena de Carlos Villamarín (1996: 24–46), the search for the *origenes* – one of the possible Latin translations of the term, together with that of *derivationes* – was not only a genealogical inquiry (cf. Bloch 1984), but also an ‘archaeological’ exploration. Therefore, amongst the most self-aware medieval historians, who applied to their task the hermeneutical tools developed in the tradition of biblical commentary, in the *accessus ad auctorem* and in legal practice, historical writing came to be understood as a form of exegesis (Bainton 2010: 109–31, see also Ullmann 1988). Philological and archaeological sensibilities went hand in hand, since primary analysis of documents and texts was supplemented sometimes with the study of monuments and inscriptions (Guenée 1980: 35, 77–128; Bainton 2010: 127).

The manuscript preserving the *Historia Romanorum* (Hamburg, Staats-und Universitätsbibliothek, Cod. 151 in scrin.; Rome, c.1280) offers a glimpse of the results of these conjoined efforts in its depiction of the main events in Roman history with careful attention to the then extant monuments of the Eternal City, but the historiographical enterprises of King Alfonso X of Castile took a different direction. His *Estoria de Espanna* (Escorial, Y.I.2, fol. 4r; Seville? c.1270–1274) presents a comprehensive account of the Iberian Peninsula and of the different peoples who inhabited it up to the times of the king himself, when the work was to have reached its conclusion. The place of honour, nonetheless, is accorded to the Greek and Roman conquerors who laid the foundations for all that came after and, above all, to Hercules (Figure 11.4). As ultimate ancestor of the Iberian kings, he plays a key role in the royal chronicle, to the extent that the monuments he erected are used as nodes to conduct the narrative along prophetic lines. However, as milestones still visible in the landscape, they would also have witnessed to the enduring presence of the past and functioned as clues for decoding Iberian history. This multilayered experience of the past is best exemplified by the enigmatic depiction of the Greek hero himself, neither in the past nor in the present, almost like an ancient statue in the process of coming back to life to receive the homage of his successor.

Perhaps it is not entirely by coincidence that a sustained reflection on ruins is found in territories with a long story of invasions and renegotiation of borders and identities, such as Iberia, England or the Holy Land (cf. Bainton 2016: 26–36; Akbari 2013), as if historical sensitivity were stimulated by the successive filters of ‘strangement’ imposed by conquests and linguistic overlaps. Whatever the case may have been, I conclude with the reflection of Salvatore Settis (1986: 399–410) on the notion of *spolia* as a leit-motif in medieval culture. Much in the same way that an



Figure 11.4 Alfonso X, *Estoria de España* de Alfonso X “El Sabio” (Escorial, Y.I.2, fol. 4r).
 Hercules. Copyright © Patrimonio Nacional.

ancient fragment became integrated in a medieval building, these images operated through a synecdochic mechanism that brought with it the memory of the past, absent and present at the same time. Yet this fragmented and dialectical appropriation of Antiquity would be superseded by the gradual – and by no means consistent attempt (Weiss 1989) – to replicate classical culture in its integrity. I leave the reader to consider whether this confident fiction made humanist scholars any more aware of the multilayered texture of time.

NOTES

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- 2 For more nuanced approaches, see Nagel and Wood 2010 and, above all, Grazia 2010.
- 3 In absence of any illustrated historical books in Byzantium except for the problematic Skylitzes (Madrid, BNE, MS Vit. 26–2), made in Italy c.1150 (cf. Boeck 2015) and considering the different dynamics verified in the Islamic world (e.g. Hillenbrand 2004), it is risky to make any easy connection between higher rates of literacy and the emergence of secular illustration.
- 4 See Buettner 1992; Stones 2005; Desmond and Sheingorn 2006; and, above all, Morrison and Hedeman 2010.
- 5 Although little is known about the illumination of historiographical texts in Late Antiquity due to the paucity of the preserved items, it seems that images may be an integral part of these works, such as the *Codex-Calendar of 354* and the lost *Annals of Ravenna*, preserved in an Ottonian copy (Merseburg, Cathedral Archive, MS 202; 11th c.).
- 6 See, for instance, Avranches, BM, MS 159 (Mont-Saint-Michel, c.1156–1157); Paris, BnF, MS. lat. 4939 (Naples, c.1329), and cf. Straub 2015 and Degenhardt and Schmitt, respectively.
- 7 In addition to the Skylitzes, I am thinking of the *Vita Mathildi* (Vaticano, BAV MS Vat. Lat. 4922; c.1116), the *Chronica* of John of Worcester (Oxford, Corpus Christi, MS 157; Worcester, c.1140), the Cartulary of the Mont-St-Michel (Avranches, BM, MS 210; c.1150), the *Codex Calixtinus* (Santiago, ACS, CF 13; Santiago, c.1150), the *Liber ad honorem Augusti* (Bern, Burgbibliothek, Cod. 120 II; Palermo, c.1197), or the *Chronica Hibernica* of Gerald of Wales (London, BL Royal MS 13 B VIII; Lincoln, c.1196–1223).

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CHAPTER TWELVE

STRANGE EVENTFUL HISTORIES

The middle ages in the cinema



Stuart Airlie

Movies can be dangerous for medievalists. In *Monty Python and the Holy Grail* (1975) no sooner has a crusty tweed-jacketed professor of medieval history begun his lecture on the film's lack of historical accuracy than he is cut down by a mounted knight in armour who gallops off, leaving the professor's distraught wife to call the police to track down the villain from the age of chivalry. In *The Fisher King* (1991), the Robin Williams character finds that his obsession with the Middle Ages leads to him living rough on the streets of New York, streets filled with hallucinatory visions of medieval knights. Yet movies remain strangely seductive. No less a figure than Georges Duby hoped to see his book on the battle of Bouvines filmed and fretted on the problems of representing the daily lived reality of the distant past on the big screen. How would he be able to answer Gerard Depardieu's questions on the horse-riding, eating and dating habits of Philip Augustus? How one relishes the prospect of the dapper professor encountering the great figure of Depardieu or the svelte Nastassja Kinski, whom Duby's musings led him to see as Joan, countess of Flanders. Sadly, these encounters never took place; Bouvines remained unfilmed and Duby concluded that film did not yet possess a form or a language capable of transmitting historians' ideas of past societies (Duby 1991: 185–6).

In the decade and a half since I wrote these words, the study of medieval films has grown like one of the luxuriant forests of medieval epic, with many branching paths. And films about the Middle Ages continue to appear and to make an impact. While *Game of Thrones* continued to make the Middle Ages, complete with dragons, familiar to a world audience, art-house film buffs were recently overwhelmed by their encounter with Russian director Aleksei German's *Hard to Be a God* (2013). This is the *non plus ultra* in cinematic depictions of the pre-modern world as one where nothing changes, where any hope of progression has been extinguished. This derives from the Russian science-fiction novel on which the film is based, as was an earlier German film; the world of *Hard to Be a God* is a distant planet that resembles earth but which has never had a Renaissance and the savage ruling elite is determined to keep it that way, hunting down scientists and thinkers and exterminating them. In black-and-white, three hours long, with the camera taking viewers a lot closer than they would like to bizarre actions and their perpetrators,

this relentless film is a claustrophobic epic of savagery and madness in a world of mud. In its squalor, obscurantist persecution and violence, and the story, such as it is, of preventing the Renaissance from occurring, the film fits in well with classic depictions of the Middle Ages as the primitive antithesis of modernity and is thus a perfect illustration of the Middle Ages as a period ‘synonymous with all that is static, uniform and unprogressive’ (Haskins 1927: 4, cited and discussed in Bildhauer and Bernau 2009b: 9). Of course, the modern world is not in fact free from violence and persecution, and reviewers of German’s film were quick to see it as ‘an unmistakable comment on the direction of post-Communist Russia’ (Smith 2014: 64; and see the review by Gabriel Winslow-Yost 2015: www.nybooks.com/daily/2015/01/31/dark-master-russian-film/). And medievalists may well see the film as yet another challenge to their painstaking work of redeeming the Middle Ages from accusations of unique primitiveness, accusations that target more than films, as shown in the labelling of terror acts by so-called Islamic State as ‘medieval’ (www.historymatters.group.shef.ac.uk/isis-politics-middle-ages/).

Leaving its blood-spattered inhabitants in a world doomed never to have a Renaissance, *Hard to Be a God* has a grim resonance. But that resonance depends on the perceived distance between the Middle Ages and our own times. This is one of the arguments in Arthur Lindley’s thoughtful article ‘The ahistoricism of medieval film’, viz., that the vast historical distance separating modernity from the Middle Ages paradoxically means that the medieval period operates as a mirror, sometimes nostalgic, sometimes distorting, for the modern period. While ‘films [about] the recent past are . . . precisely situated in time’ and the relatively recent nature of that past means that audiences perceive a ‘coherent and developmental pattern of historical change [between then and now]’, medieval films, because of the fissure between their past and the present, are ‘almost automatically anti- or non-progressive in their construction of history’ (Lindley 1998; Oexle 1992: 10–12; Bildhauer and Bernau 2009b: 8–9; Bildhauer 2011a: 18–20).

Some films evoke that distance with a lighter touch than *Hard to Be a God*, with flashes of perception that illuminate modes of representing the past and thus remind the viewer that they are looking at a representation with its own conventions, ye olde filme customes. One of the most entertaining examples of this comes from an episode of the TV series *Buffy the Vampire Slayer* from 2002. With its plots featuring ancient manuscripts, pseudo-medieval institutions (the Knights of Byzantium) and a flagrant disregard for Philippe Buc’s work on the fluidity of medieval ritual, *Buffy* has much to offer the medievalist. In episode 5 of the final series, we are transported back to ninth-century Scandinavia, and the episode parodies conventions of medieval film with some stock costumes and some drolly subtitled pseudo-Viking dialogue. All of this reminds us that we and the characters remain firmly in the modern world. The film itself in these scenes is faded and scratched as if it had actually come from ninth-century Scandinavia. This is an echo of the intrusion of the remote past into the sunlit Communist present in Alexander Dovzhenko’s film *Zvenigora* (1927) where an old man’s dream visions of ancient history appear in stylised, archaic film within the film (Airlie 2009: 142–3; O’Sullivan 2009 in Bernau and Bildhauer 2009a: 67–8).

The absurd pretence that film could survive from the Middle Ages wittily draws our attention to the fact that we are watching a film. In the *Buffy* episode, the patina

of age on the film and the need for subtitles are hallmarks of the past and of foreignness, but the reality effect of age is a pretence, the subtitles reveal the dialogue to be gloriously anachronistic and full of references to the modern world of *Buffy*. The signs of age and authenticity are in fact signs of the opposite. Not every medieval film does this, and few of them do it as amusingly as *Buffy*. But the very presence of such elements shows that historical films do not, they cannot, simply ‘plunge us into a vivid past . . . seemingly without mediation’ (Lowenthal 1985: 367, cited in O’Sullivan 2009: 65). The more conscious we are of watching a film, the more conscious we are of gaps and of the fact that we cannot get back to the past and that the past cannot come directly to us. Here the much-vaunted remoteness of the medieval period is an asset in such consciousness-raising.

Playful movies can thus be severe methodological supervisors. Even a great medievalist such as Percy Ernst Schramm (1894–1970) could have benefited from seeing more such movies. Deeply influenced by his Hamburg mentor Aby Warburg, Schramm hoped to get closer to medieval realities by studying the medieval realities that had survived to our own day: the precious symbolic objects of medieval royalty, the crowns, sceptres and thrones still radiantly present in European treasuries. Making them widely available for study and contemplation through the modern medium of photography would lift the pernicious spell cast over the past by nineteenth-century historical painting by figures such as the egregious Hans Makart. But in escaping the overstuffed picturesqueness and fin-de-siècle eroticism of Makart (whose *Entry of the Emperor Charles V into Antwerp* looks now like one of these lumbering Hollywood historical/mythic epics of the 1950s, though with more nudity), Schramm may have fallen into the trap of thinking that the objects of the past offered direct access to that past since they had survived to speak directly of it. This mesmerising vision of historical continuity may have been a particularly dangerous temptation for a German historian in the mid-twentieth century (Schramm and Mutherich 1962: 11–13; Thimme 2006: 156; Garrison 2009).

Watching films can send academics back to their own discipline with fresh eyes. Aby Warburg’s distinctive approach to Renaissance imagery coincided in time with the early development of cinema, and one critic has claimed that investigating this juxtaposition can ‘lead us to see cinema less as a spectacle than as a form of thought and to see art history as practiced by Warburg as research directed less towards a knowledge of its past than towards its reproduction’ (Michaud 2004: 40). For medievalists, the cross-over between film and medievalism may also have roots in early cinema. In some exceptionally subtle and thought-provoking work Bettina Bildhauer has argued that visions of the Middle Ages were central to early film theory (she cites Béla Balázs from 1922 on film as a return to the overwhelmingly visual culture of the Middle Ages) and that the roots of the genre of medieval film lie in Weimar Germany, which went on to play a ‘foundational role for German cinema . . . [which] also explains some of the persistence of this medievalism in transnational cinema that started out as a marketably German interest’ (Bildhauer 2011a: 27; Bildhauer 2009). Conventionally accepted defining features of the modern world such as linear time, a script-based culture and the modern individual are not to be found, so we fondly imagine, in the Middle Ages. Bildhauer’s close readings of medieval films bring all such assumptions into question and challenge clichés about medieval culture and about modernity. Medievalists are thus the coolest kids at the movies.

This may be too good to be true. Bildhauer's thoughtful arguments are soundly based on an impressive feat of movie-watching (she lists some 180 films in her bibliography) as well as on critical engagement with philosophical ideas on time and with historical theories on literacy, etc. Doing justice to medieval films is hard work. Such work does pay off. Those of us who vowed never to repeat the uncanny experience of actually being bored by Attila the Hun in the wooden movie *Sign of the Pagan* (1954) will now need to watch it again to see if what finally defeats Attila is in fact his poor grasp of semiological theory, a pleasing thought for academics made uneasy by encountering Jack Palance as Attila or indeed in any of his roles (Bildhauer 2011a: 105–14; Bildhauer 2011b). But perhaps Dr Bildhauer extends her medieval movie empire too far. One of its pillars, Weimar cinema, was not always dominated by films of a darkly fantastic medieval vision. Lotte Eisner's wonderful and all too influential study of expressionist films in Weimar cinema is a very partial view of that cinema. Of the 200 or so German feature films released in 1929, detective films, melodramas and star vehicles were among the most prominent; and of course the German public was also watching non-German films such as Charlie Chaplin comedies (Eisner 1973; cf. Bildhauer 2011a: 26–7; Gandert 1997: x–xviii, 784). Nor need we see medieval films as distinctive in their concern with the 'dangerous power of writing', to cite a chapter title of Dr Bildhauer. The 1939 film of *The Hunchback of Notre Dame* certainly does give a prominent role to the printing press as agent of modernisation and also dramatizes doubts and tensions about printed and written texts. But the same conflicts and claims surface in some films of that quintessentially modern genre of the 1930s, the newspaper movie (Bildhauer 2011a: 118–31; Baird 2003: 374–6).

This simply means that medievalists should not just confine their attention to medieval films. In fact a film does not need to be set in the past to interest a historian. Method matters as much as content. Historians have to grapple with traces of what happened in the past, with fragmentary evidence, with unreliable narrators, etc. Christopher Nolan's 2000 film *Memento* is firmly contemporary in its California setting, but its spectacular shuffling of chronology and its extremely unstable narrators make it an exceptionally 'historiographically rich' film. Similarly, Orson Welles' *Citizen Kane* (1941), itself now encrusted with historical significance as the 'greatest film ever made' and a historical film in that it traces the mutual corruption of politics and journalism in early twentieth-century America, also features no central narrative, no fixed centre; there is no-one shown in the film to hear Kane's famous last word 'Rosebud'. We hear about Kane from a variety of angles, but we do not get his own story from him, though we know that that would be just another story. The film makes us do our own work of interrogation and evaluation of the evidence for the past (Hughes-Warrington 2007: 22; Thomson 1996: 169–77).

Medievalists should therefore be prepared to be flexible in their encounters with movies. This should not be too difficult; medieval film as a genre is itself a bit of a loose, baggy monster (Salih 2009: 20–2). They should, however, be prepared to recognise limits, including those of their own competence. A medievalist would surely have something distinctive to say about the grimly brilliant Czech film about feuding medieval robbers, *Marketa Lazarová* (1967), but might hesitate before pronouncing on another Czech film from that decade such as *Closely Observed Trains* (1966). Similarly, no Western medievalist worth his salt would pass up a chance to discuss

the devastating portrait of masculine warrior honour in the Japanese samurai film *Harakiri*, directed by Masaki Kobayashi (1962), though she might balk at commenting on Yasujiro Ozu's quieter domestic dramas. Further, commenting on films is a complex business; film history may require knowledge and expertise not only about the period which the film covers but also about the period and circumstances of the film's making, and that is a demanding task; medieval feature films, even dull ones, can sustain complex critical readings and grappling with the concepts and language of film studies that is not for every medievalist; detailed research into how audiences respond to cinematic views of the Middle Ages is time-consuming. (For a good study of the political and cultural context of the making of a medieval film, see Rychterová (2009); very different approaches to medieval film are sharply contrasted in Ramey and Pugh (2007) and the critical review of their volume by Robert Bartlett (together with the authors' response) www.history.ac.uk/reviews/review/615; for study of audience response, see Sturtevant (2010).) To put it positively, many adventures are possible in the journey through medieval films, not least because there are so many of them on so many subjects (Harty (1999) lists some 900 films).

On such journeys, traditional academic concerns about accuracy have to joust with other priorities. Where the professors have managed to have some input on films the results have not always been satisfactory. The advice of Jacques Le Goff and a host of medievalist consultants together with the director's concern for authenticity could not prevent *The Name of the Rose* (1986), a film based on a novel by the medievalist Umberto Eco, from turning out to be a bit of a bore (Moliterno 1995). Authenticity need not be cinematic. The information carried via the screen is different in amount and kind from that carried by the printed page, the preferred medium for academic representation of the past. The conventions of one medium may not transfer well to the other (Rosenstone 1988; Rosenstone 2006; Bildhauer 2011a: 18–22). Questions of authenticity and fidelity to historical evidence can thus become less relevant than questions of what is appropriate to the medium, whether print or film. Does authenticity matter for the success of a historical film? Professor J. C. Holt is said once to have abandoned the rarefied world of Magna Carta to offer advice to the makers of *Robin Hood* (1991). The result is an interesting film, more dramatically credible than *Robin Hood: Prince of Thieves* (1991), which was released simultaneously. Both these films are, however, cinematically trounced by the Errol Flynn version, *The Adventures of Robin Hood* (1938), which is untroubled by notions of the otherness of the past and which had enough life in it as a Hollywood classic to enjoy a re-release in Britain in 1998.

Questions of accuracy, however, can remain troubling. The Crusader epic *Kingdom of Heaven* (2005) provoked strong complaints over the accuracy of its depiction of Crusader and Muslim warriors; this film was seen by millions of people; in a post 9/11 world, rather rigid demands for accuracy got hopelessly entangled in concerns for political sensitivity and unrealistic expectations of what a film such as this could achieve (Lindley 2007).

It is not surprising therefore that historians are often suspicious of the world of films. At a symposium held in Berlin in 1983 devoted to the reception of the Middle Ages, German medievalists reeled in horror at screened excerpts from such Hollywood monstrosities as *The Knights of the Round Table* (1953) and *Camelot* (1967), lamenting such films' concern with mere trappings such as costumes at the expense

of a specific feel for period and of any sense of the otherness of the past (Wapnewski 1986: 366–7). Even outside Hollywood, such a serious and thoughtful film as *The Return of Martin Guerre* (1982), based on an intrinsically dramatic case of claims to identity, revealed that film-makers' priorities in presenting sixteenth-century France on screen inevitably cut across those of the historian Natalie Zemon Davis (Davis 1983; Toplin 1988: 1224; and Rosenstone 1988). The very medium seems suspect. Historians are necessarily concerned with problems of scrutinising evidence and using it to construct provisional analyses, considering alternative outcomes to events, stressing complexity. Historians are in the business of demystifying.

Films, on the other hand, particularly Hollywood films, try to show through linear narrative driving towards closure, concentration on individuals and 'invisible' technique that the world can be rendered unproblematically on screen (Rosenstone 1998 and 1992; but cf. Bordwell 1985 and see below on *The Adventures of Robin Hood*). The critical reader of history becomes a hypnotised voyeur. That at least is a view taken by mandarin figures of Western intellectual culture such as Theodor Adorno and Max Horkheimer who complained that films reduce spectators to passivity and rob them of their imagination and critical faculties (Adorno and Horkheimer 1979: 126). For some puritanical French thinkers, the cinema worked as an updated version of Plato's famous cave where spectators mistook projected shadows for the world itself and in their yearning for these shadows expressed their desire to abandon consciousness and return to the womb (Jay 1993: 477–9). This seems a little extreme. Early exposure to some of Hollywood's most mind-boggling versions of history such as *The Prince and the Pauper* where Errol Flynn briskly rights wrongs in Tudor England seems not to have robbed Gore Vidal of his sceptical world-view. In fact, Vidal notes that this film actually taught him a Machiavellian view of power (Vidal 1992: 26). Spectators are not entirely passive and Hollywood films, even bulky epics, are not as tightly closed and unproblematic as one might think, as is seen in Vidal's story of how he, as scriptwriter, managed to smuggle a gay sub-text into *Ben-Hur* (Vidal 1993: 1175–6).

Our fascination with films may therefore not be entirely suspect. The power of the visual is not confined to the twentieth century. Michael Camille sees the later Middle Ages as a culture that experienced an 'image explosion' (Camille 1992: 279; contrast Jay 1993). Certainly the medieval period continues to attract film-makers; the 1990s saw the release of the two Robin Hood films mentioned above as well as such varied Hollywood fare as *First Knight* (1995), *Braveheart* (1995) and Disney's *The Hunchback of Notre Dame* (1996). All three films revealed the continuing vitality of familiar thematic material of the cinematic Middle Ages: *First Knight* was a rather wooden version of the story of King Arthur (Sean Connery in grizzled wisdom-figure mode), Lancelot and Guinevere. *Braveheart* was a vision of the Middle Ages as a time of brutal savagery and grand battles that led to the birth of a nation. Its retelling of the conflict between Edward I and William Wallace was on an epic scale, as indeed was everything about this movie: the battle scenes, the trophies it won (five Academy Awards), the inaccuracies (Ewan 1995; but see Lindley 1998). The cartoon version of *The Hunchback of Notre Dame* took the familiar view of the Middle Ages as a time of dark oppression and narrow-minded persecution and gave it a fresh spin with a smart script, superb graphic art which wove tight threads of visual imagery through the film, and a Broadway-style score which blended pathos

and humour to great, if disconcerting, effect. All three films drew on traditional cinematic views of the Middle Ages as a time of extremes (McArthur 1995; cf. Huizinga 1955): extreme idealism in the form of chivalry; extreme brutality in warfare, peasant life and the bonds of lordship; extreme rigidity in the persecuting mania of the inquisitorial Frollo in the *Hunchback*, depicted as agent and victim of ascetic drives towards unreal purity.

Cinematically, the Middle Ages often represent the wilder shores of human existence and this was also seen in two European productions of the decade: *The Hour of the Pig* (1994; US title: *The Advocate*), a British account of a trial of a pig for murder (the Middle Ages as a remote, weird and unhygienic world), and the broad but appealing French farce, *Les Visiteurs* (1993) in which two denizens of the Middle Ages travelled through time to 1990s France. Perhaps the last word in this depiction of the Middle Ages as a brutish world of dark superstition, persecution and grim horror dates from the 1950s in the form of Ingmar Bergman's *The Seventh Seal*, a film so stark in its excoriation of medieval darkness and so rosy in its idealising of humane values that it has not worn well. Such films, together with, say, Huizinga's view of the Middle Ages as a time of cultural extremes, in fact take their place in the general history of the reception of the Middle Ages, a topic of some interest to medievalists as they contemplate the origins of their discipline in nineteenth-century European Romantic culture (Huizinga 1955; Bloch and Nichols 1996; see also Wapnewski 1986; Frayling 1995). The cinematic depiction of history is also worth consideration as historians become ever more aware of the provisional nature of their own reconstructions of the past and the rhetorical conventions of such reconstructions (Evans 1997). Films do need, however, to be examined with care. The best studies of historical film focus on the films themselves and avoid simply pointing critical fingers at anachronisms or reducing films to the unproblematic expression of their own historical contexts (Harper 1994; Wyke 1997; Bildhauer and Bernau 2009a). A film is a film is a film.

Within the confines of a single chapter such as this it is not possible to offer a general survey of how the cinema has treated the Middle Ages. Such a survey would need to be itself historical and take note that medieval subjects (themselves a various group) have experienced peaks and troughs of popularity, with the 1950s perhaps representing a peak for costume epics. Such a survey should also include non-Western films such as Egyptian versions of the life of Saladin and the Crusades (Chahine 1996; Ganin 2007). It is also worth noting here that the medieval past may appear more fantastical in Hollywood than in Europe where monuments of medieval civilisation still survive. The weight of medieval history may press more heavily on European films concerned with such historical figures as Joan of Arc and Henry V, or even on films concerned with medieval legends such as Fritz Lang's *Nibelungen* (see below). After all, it is possible in Europe to see such films in 'medieval' settings as in the town of Conques in France, site not only of a famous medieval shrine but also, according to an advertisement in *Cahiers du Cinéma* in 1997, site of a festival devoted to films about the Middle Ages. The juxtaposition of the remote past and the present can be more immediate in European art than in art produced in the USA. This point applies to more than films. A particularly stark juxtaposition is seen in the painting by Alfred Rethel (1816–59) of a modern factory built within the remains of a fourteenth-century castle in the Ruhr; the fact that Rethel later set out to depict

the deeds of Charlemagne in a cycle of frescoes for the town hall of Aachen also provides food for thought here (Paret 1988: 80–91). It will not do, however, to draw too sharp a distinction between the medieval heritages of Europe and the United States. After all, Thomas Jefferson wanted Hengist and Horsa to be depicted on the Great Seal of the United States (Frantzen 1990: 15–17) while the impact of the novels of Walter Scott can be seen in such a small detail as the names given to the horses of the Confederate troops in William Faulkner's 1936 novel *Absalom, Absalom!* As we shall see below in our examination of *The Adventures of Robin Hood*, the claims of the old world were resonant in Hollywood. Such themes cannot be explored in detail here. What follows is merely an attempt to do two things: to suggest why such films might be worth watching and to recommend how to watch them. My focus is on the films themselves.

The figure of Joan of Arc has attracted film-makers since the very beginning of cinema. The great pioneer Méliès (who made a film of the Dreyfus affair in 1899) put Joan on screen in seven scenes featuring some 500 extras in 1899 or 1900 and since then Joan has enjoyed a long cinematic career in films made by directors as varied as the austere Dane Carl Theodor Dreyer (1928), the Hollywood veteran Victor Fleming, director of *The Wizard of Oz* and *Gone with the Wind*, and the former editor of *Cahiers du Cinéma*, Jacques Rivette, whose vast *Jeanne la pucelle* came out in 1993. It seems likely that films about Joan will continue to appear well into the twenty-first century. She has been portrayed by a formidable range of actresses in a remarkable range of styles: the opera singer Geraldine Farrar (in the silent film *Joan the Woman*, 1917), the stage actress Falconetti (*La Passion de Jeanne d'Arc*, 1928), the Hollywood star Ingrid Bergman (whose interest in Joan led her to play the part on stage as well as in two films, the lumbering *Joan of Arc* (1948) and a version of Honegger's 'oratorio', *Joan of Arc at the Stake* (1954)) (Harty 1996; appropriate entries in Katz 1994). Joan is part of cinema history, and particularly the history of star performances, and this cinematic Joan thus joins the immensely complex history of the picturing of Joan in the modern world where her representation, from labels on cheese boxes to appearances in the parades of the *Front National*, has been a potent means of articulating, and challenging, versions of French identity (Winock 1992).

Amidst this torrent of images, the great film of Dreyer, *La passion de Jeanne d'Arc* (1928) stands out, monumental and gaunt. In its quest for authenticity (it is based on the records of Joan's trial), its eschewal of battle scenes in favour of austere concentration on the trial itself, and in its setting that trial in a bare white world, the film permits viewers to focus on the precise situation of Joan at bay in front of her accusers. It is thus vastly different from the conventional Hollywood epic of 1948 and from the contemporary *La merveilleuse vie de Jeanne d'Arc* whose gargantuan battle scenes testify to the vigour of conventional French cinema and which can, in its stress on French military effort, be read as homage to the victory-bringing sacrifices of the First World War (Harty 1996; Hayward 1993: 97). Dreyer's film escapes such easy contextualising.

Yet Dreyer's film is not a simple transcript of the trial proceedings and we should not approach it with an innocent eye (on what follows, see Margolis 1997). Following Aristotelian principles, Dreyer compressed Joan's trial into a single day and while he consulted historical experts he also drew on literary traditions ranging

from Anatole France to surrealism. Further, when we watch Dreyer we have to be sure that we have access to a 'clean text' of his film in order to be sure that we are actually watching what he intended us to see. His film has suffered through censorship, material damage and heavy-handed restoration. As such, *La passion de Jeanne d'Arc* is a survivor from the heroic days of 'silent' cinema and carries its own historical freight in, for example, its preservation of performances by legendary figures of the French theatre such as Falconetti (in her only major film) and Antonin Artaud. Dreyer focused on the trial because of its dramatic structure but historical authenticity as such did not interest him, though illustrations in the medieval book of John Mandeville were an initial inspiration for some of the design of the film (Margolis 1997: 470–4; Hoff 1996). The film is a highly wrought piece of poetic cinema in which the historical Joan serves as a point of departure for an intense focus on a suffering individual; the fact that that individual is located in the fifteenth century is not particularly relevant to the concerns of Dreyer and Falconetti (Thomson 1994: 210–11).

Perhaps the sheer greatness of Dreyer's film makes it elusive. A less successful version of Joan's story may, however surprisingly, conceal a hook to snag the medievalist's interest. Mauled by the critics and a flop at the box-office, Otto Preminger's *Saint Joan* (1957), based as it is on a version of George Bernard Shaw's play, may seem arid terrain, but trapped within it, in the performance of Jean Seberg in the title role, is a live historical element. At the time, Seberg and Preminger shared the blame for the film's failure (see, e.g., Greene 1993: 571) and Seberg's performance still strikes some as 'problematic' (Harty 1996: 253). Seberg in fact turned out to be a fascinating (anti-)star and comments on her later performances signal her disturbing screen presence: 'pity has not touched her, . . . cool, crop-haired grace' (Powell 1991: 134). Some of this quality is visible in her performance as Joan, where, in the words of a connoisseur of screen acting, 'even cropped and in armor she looked pretty and robust' (Thomson 1994: 682). Part of Seberg's appeal was her strikingly androgynous appearance and this, together with her lack of screen experience (*Saint Joan* was her first film), made the girl in armour stand out from the veteran actors on screen (John Gielgud, Anton Walbrook, Richard Widmark). Seberg's youthful appearance is striking; nineteen when the film was released, she was in fact fairly close to the age of the historical Joan. One recalls Marc Bloch on medieval princes: 'This world, . . . which considered itself very old, was in fact governed by young men' (Bloch 1962: 73). Seberg made Joan a cinematic outsider, a fresh presence, no mean feat considering the weight of cinematic tradition that muffled Joan; the oddness of Seberg points to the outsider status of Joan. It is no surprise to find Marina Warner noting that Seberg 'most corresponds to our contemporary feeling about her [Joan]' (Warner 1981: 331). More than this, Seberg's youthful androgyny points to late medieval concerns over the seductive threat to gender roles and the established order by women who dressed in masculine clothing, whose hair was cut short like a man's (Koziol 1992: 312); the historical trial's concern with Joan's usurping of masculine status reflects this fear that gender could be abolished (Warner 1981: 139–58; Schilhanoff 1996). These historical concerns are embodied in the performance of Jean Seberg.

In an extreme form, films bring home the distance between the historical Middle Ages and modern reconstructions of that period. This distance can be glimpsed



Figure 12.1 Falconetti as Joan of Arc. BFI Films: Stills, Posters and Designs.

through glaring anachronisms such as the wristwatches worn by extras playing the part of Huns in Fritz Lang's *Die Nibelungen* (1924). This error was spotted by a horrified Lang watching the rushes in the evening and he re-shot the scenes at great expense (Bourget 1992: 133–4). But the removal of inappropriate details such as this still leaves the film very much a product of its medium and time. Lang, and his screenwriter partner Thea von Harbou, did not want to recreate a specific historical period; their subject matter, after all, derived from the twelfth-century German poem, the *Nibelungenlied*, whose mythical characters encountered remote historical figures such as Attila the Hun from the fifth century. They were not dealing with a real historical personage such as Joan of Arc. They wished to create a world of myth (Hake 1990: 48).

The first part of the film, *Siegfried*, does indeed evoke the primitive forest, the *Urwald*, with haunting scenes of the heroic Siegfried making his way through a landscape dominated by massive tree trunks. This landscape, however, is hardly medieval. The investing of the natural landscape, particularly mountains and forests, with a spiritual meaning and the interplay between this meaning and the presence of

man is a key element in German Romantic art; one need think only of the paintings of Caspar David Friedrich or Arnold Böcklin, or of the scene in Act 2 of Wagner's opera *Siegfried* (another representation of the *Nibelungenlied* material) as well as the troubling modern visions of the forest in the work of Anselm Kiefer (Hartley 1994). In fact Lang's Siegfried's forest journey explicitly echoes a painting by A. Böcklin and Friedrich's work is also evoked (Eisner 1973: 155–6 and cf. 106–7; Hake 1990: 44; Bourget 1992: 68).

Of course, great forests existed in the Middle Ages, but Lang was drawing on a Romantic visual tradition rather than medieval literary images such as Charles D'Orleans' fifteenth-century vision of 'la forest d'Ennuyeuse Tristesse' (Taylor 1995: 153). Furthermore, the Romantic forest could only be created on screen with the help of modern technology; the great trees through which Siegfried passed were massive cement structures heroically constructed by the studio technicians on one of the stages of UFA, the German film studio, at Neubabelsberg in Berlin, just as the eerie mist that enveloped Siegfried was due to a special technical process. The *Urwald* was a triumph of cinematic artifice and the studio was distressed when the mighty trees were felled by a visiting British director, one Alfred Hitchcock, in order that he might use the stage for shooting a contemporary melodrama (Armour 1977: 76; Eisner 1973: 151–8; Eisner 1976: 74–6; Taylor 1978: 36). Many contemporary critics realised that the forest was a set and complained about the resulting stylised appearance of the film which seemed to contradict the heroic Germanic content of the subject matter (Hake 1990: 41). In fact, the cinematic aesthetic of Lang's *Nibelungen* films places them in a very precise context of the cinema of the Weimar Republic. This means that the films' value is more than merely the sum of their seemingly Romantic parts. It also means that, in their evocation of overwhelming architectural spaces, choreographed mass movements and the cult of suicidally heroic war, they cannot be pointed to as symptomatic of Fascism, despite the famous charge levelled at them by Siegfried Kracauer (Kracauer 1947). Kracauer's analysis is flawed not only by its teleological cast, as revealed in the title of his book *From Caligari to Hitler*, but by his inability to look beyond the massive sets of the films to their specifically cinematic concerns, particularly with the power of the look, a cinematic concern par excellence (Hake 1990; Levin 1998). The medium, in other words, is the message, a point that medievalists with their strong sense of genre and the conventions of source criticism are well placed to grasp.

Film, for all its efforts to hypnotise spectators into believing that they are watching the world, does not simply open a window on a world. In seeing Fritz Lang's forests we see the technology of 1920s Germany. More extreme attempts to depict the otherness of the medieval world merely draw greater attention to the gap between that culture and ours. Eric Rohmer's film of Chrétien de Troyes, *Perceval le Gallois* (1978) deliberately opts for severe visual stylisation by attempting to reproduce the visual conventions of medieval art, eschewing perspective and so on. The result, however, does not transport the spectator to the Middle Ages but jarringly reveals the gulf between medieval conventions of representation and ours (Bourget 1992: 67, 138; De Looze 1994: 192–3). Surely it is more fitting to be aware of conventions and thus to remain aware of the essentially provisional nature of our versions of the past, in the academy as well as in Hollywood?

Such an awareness of provisionalism, of gaps, opens up various possibilities. First, there is the temptation to enjoy what one might call the camp aspect of some

egregious cinematic attempts to grapple with the age of chivalry, in the sense that camp, according to the notorious analysis of Susan Sontag, is a sensibility that ‘sees everything in quotation marks’ and ‘is alive to a double sense in which some things can be taken’ (Sontag 1983: 109, 110). Thus the sonorous line, ‘Yonder lies the castle of my father’ never fails to raise a smile when it is uttered in the Bronx accent of Tony Curtis in *The Black Shield of Falworth* (1954). Similarly, spectators can hardly concentrate on the nonsense that is *King Richard and the Crusaders* (1954) for waiting to see whether it is true that Virginia Mayo utters the immortal line to Richard Coeur de Lion: ‘War, war, war, that’s all you think about, Dickie Plantagenet!’ The figure-hugging dresses modelled by Janet Leigh as an Anglo-Saxon princess in *The Vikings* (1958) owe infinitely more to contemporary Hollywood ideals of feminine beauty than to evidence from medieval England or Scandinavia, a point hammered home when Tony Curtis helpfully rips the dress so that Janet Leigh can assist with the rowing. (On all this sort of thing, see Richards 1977; it is no accident that these examples are from the 1950s, when Hollywood was turning out costume films in large numbers and of varying quality: see Powell 1991: 207–8 for a fair assessment of *Ivanhoe* (1952).)

This sort of doubleness can also have a more important function. It can act as a structuring agent for an entire film. *The Lion in Winter* (1968) is a gripping version of a talky stage play which purports to tell the story of the struggle for power among the sons of Henry II as they attend the Christmas court of the old king in 1183. Richard, John, Geoffrey, their mother Eleanor of Aquitaine and Philip Augustus of France have a high old time cooking up immensely complex plots while lurking in gloomy castle corridors and hiding behind tapestries, pausing from their machinations only to swap brittle epigrams. The polished bitchiness of the script owes everything to an American tradition of snappy dialogue but the film brilliantly portrays the seething resentments of medieval dynastic politics that circle round incompatible claims to inheritance. What makes the film a classic of its kind, however, are the performances. Peter O’Toole depicts Henry II with remarkable subtlety, and he gains some authority from the fact that he had played Henry at an earlier stage in his reign four years before in *Becket* (1964). The stand-out performance, however, is by the veteran Katharine Hepburn who won an Academy Award in the role of Eleanor of Aquitaine. Already in 1968 a legendary figure in Hollywood history, Hepburn was a star associated with roles of fast-talking, independent-minded, strong women. Further, she had famously held her own in a sequence of films with two of Hollywood’s most charismatic male stars, Cary Grant and Spencer Tracy, culminating in *Guess Who’s Coming to Dinner* (1967), for which she had won an Academy Award. The script gives the audience all it needs to know about the history of Eleanor of Aquitaine, but without a knowledge of Hepburn’s Hollywood persona the audience misses much of the impact of the film. Audiences need to grasp the importance of the persona and history of the stars in Hollywood film in order to grasp the dynamics of such films. A knowledge of the history of Hollywood is more helpful for the audience of *The Lion in Winter* than a knowledge of the twelfth century.

More broadly, films can be successfully constructed around the gap between the medieval and the modern periods. Sometimes this gap takes the form of nostalgia for a seemingly simpler, more heroic time as in *The Princess Bride* (1987), which celebrates the values of romance while simultaneously contrasting them with modern

attitudes and styles. Such a balancing act is difficult and few films manage it as well as *The Princess Bride*. More often, the gap is exploited for comic effect as the archaic world of the past is forcibly juxtaposed with the breezily democratic world of the modern. (Needless to say, both worlds are presented in terms of cinematic conventions.) Here anachronism becomes the very subject of the film as in versions of Mark Twain's novel, *A Connecticut Yankee at King Arthur's Court* filmed in 1931 and 1949 with Will Rogers and Bing Crosby in the title role. The fact that Rogers' and Crosby's personae, as cowboy sage and relaxed crooner respectively, were essentially alien to the world of chivalric values was the whole point of their casting and consonant with Twain's satirical portrait of medievalism confronted by Yankee know-how. The same impulse lies behind the encounter between the heroic world of the past and the values of the Californian high school and shopping-mall in the splendidly daft *Bill and Ted's Excellent Adventure* (1989). Cinematic conventions of medieval epics of the 1950s and earlier were themselves geyed in *The Court Jester* (1956) which contrasted the stuffy medieval courtly world with the 1940s fast-talking nervy style of Danny Kaye which undercuts the plot trappings of historical drama ('The pellet with the poison's in the vessel with the pestle').

Such concerns are not confined to Hollywood. The entire plot of the hit French film *Les Visiteurs* (1993) turns on the contrast between past and present as a twelfth-century knight and his squire are catapulted into the twentieth century by black magic and meet their descendants. Much predictable farce ensues as the men from the age of chivalry ('they weren't born yesterday!') encounter such baffling paraphernalia of the bourgeois world as telephones and flasks of Chanel No. 5 to which they respond in ways that reveal the Middle Ages to be a time of coarseness, superstition and, of course, poor personal hygiene. The knight and his squire, however, are not merely the butt of the film's jokes. In their embodiment of 'chivalric' values such as loyalty, devotion to family and physical courage (and Jean Reno, as the knight, shrewdly plays his part straight) they gradually show up the shallowness of the *bon chic, bon genre* world of the present and we can thus see how this sort of juxtaposition of past and present can be used not simply as a stick to beat the past but as an effective way of satirising the present. Amidst the farce there are hints of a more delicate relationship between past and present as the knight and his descendant come to understand each other. For a fascinating depiction of such an encounter between past and present one can turn to another film of time-travellers, Vincent Ward's *The Navigator: A Medieval Odyssey* (1988). In this stark fable, a group of sufferers from the Black Death tunnel their way out of fourteenth-century northern England (filmed in black-and-white) into present-day Auckland in New Zealand (filmed in colour). The film's colour scheme thus vividly differentiates past from present but the dreams of the visionary boy from the fourteenth century turn out to resonate in the modern world. Although the film draws on conventional notions about the Middle Ages (squalor, superstition, devotion to impossibly otherworldly ideals), its intensely original presentation of these notions and its examination of them in the modern world give it a very distinctive flavour and make it a disquieting study of how individuals and communities react to destructive historical forces (Bildhauer 2011a: 232, n.2).

The relationship between historical films and the times that they depict is complex, as is the relationship between such films and the times that produce them. It is not easy, at any rate not for the present writer, to see how Kenneth Branagh's film

of *Henry V* (1989) relates to the ideas of Margaret Thatcher, Prime Minister when the film was made, though it has been seen as doing so. Branagh's film, in itself fairly straightforward, inevitably relates to Olivier's famous 1944 version which was itself not only an epic for wartime Britain, but, like Branagh's film, a comment on the relation between stage and screen, between Shakespeare and cinema, and of course between the real battle of Agincourt and dramatic representations of it. Mapping such a film precisely onto a contemporary political context is a delicate business (Hutcheon 1994: 67–88). Even where a film can be so mapped, that does not exhaust its significance. Eisenstein proclaimed his *Alexander Nevsky* (1938) to be a 'completely contemporary picture' and so it proved, but not necessarily in ways that he could have foreseen. He took the thirteenth-century ruler Alexander Nevsky as a starting-point for a vigorous anti-German polemic in which the Teutonic Knights represent potential Nazi aggressions, an aggression that comes to grief in the face of heroic opposition from the Russian people whose ally turns out to be the landscape of Russia itself in the famous battle on the ice. Both the form and the reception of the film are directly bound up with the contemporary context of the Soviet Union. Eisenstein appears to have been unable to edit the film as he desired because an early print of it was seen and approved by Stalin with the result that no further 'improvement' was possible. By the summer of 1939 the Nazi–Soviet pact transformed the film into a political embarrassment and it was withdrawn from circulation, only for it to be re-released in the wake of the German invasion of June 1941 (Bordwell 1993: 27–8).



Figure 12.2 The bell-maker from *Andrei Rublev*. Source: BFI Films: Stills, Posters and Designs.

The film bears the imprint of its context and is indeed stylistically more conventional than Eisenstein's earlier work. One does not need, however, to invoke transcendental or timeless values of art to argue that the film also retains a power and interest that has outlasted its context. All one needs to do is watch the film, particularly the battle on the ice sequence, which stands as one of the great attempts of cinema to depict a medieval battle, and which can be profitably compared to equally stylised depictions such as Olivier's Agincourt in *Henry V*, Orson Welles' artful carnage in his adaptation of Falstaff's career, *Chimes at Midnight* (1966) and Robert Bresson's austere self-denying account of the massacre of the Round Table in *Lancelot du lac* (1974) or indeed the seventeenth-century battle scene in the neglected *Winstanley* (1975).

I propose to conclude by examining three films in the light of our concerns: *El Cid*, *Andrei Rublev*, and *The Adventures of Robin Hood*. All three films focus on heroic individuals engaged in a struggle against overwhelming forces. The heroic individual is male. (Women certainly feature in these films but are subordinated according to cinematic, rather than feudal, laws.) The three films might loosely be defined as epic. All three place their heroically individualised protagonist in a teeming world of armoured soldiers, silkily villainous princes, formidable priests and suffering peasantry. Casts of thousands act out their grand medieval dramas in strikingly designed and photographed castles, cathedrals, hovels, etc. *El Cid* and *The Adventures of Robin Hood* glory in the great sword-fighting duels that are the hallmark of the swashbuckler movie, while *El Cid* and *Andrei Rublev*, at 184 and 185 minutes respectively, share the vast length that is the *sine qua non* of the prestigious epic production. Each film, however, was made in a very different context. *The Adventures of Robin Hood* was released in 1938 and is a product of a Hollywood studio at the peak of the success of the studio system. *El Cid* (1961) can be regarded as a Hollywood film in that it was made by a Hollywood director and features Hollywood stars but it was produced after the studio system was running into trouble, by an independent producer, Samuel Bronston, who ran his own production company in Spain where the film was made (Katz 1994: 178). *Andrei Rublev* was made in the Soviet Union in 1966 but was not released there until 1971, and while the delayed release and shelving of films happens elsewhere, *Andrei Rublev*'s fortunes were bound up with official disapproval of what the director, Andrei Tarkovsky, had created.

Tarkovsky's film is the strangest and least conventional of our trio and so we may begin with it. Its hero is the late medieval icon painter Andrei Rublev (c. 1370–c.1430). Rublev really existed but very little is known about his life and few paintings can be ascribed to him with certainty (Vzdornov 1996). Nor does the film attempt to fill in the gaps in our knowledge by simply telling the story of Rublev's life. In fact, accuracy of historical detail was not the concern of Tarkovsky, who worked on the script as well as directing the film; too much concentration on getting the fifteenth-century details right would distract, he thought, from the essence of the film (Tarkovsky 1986: 78–80). The general historical context, including Tartar invasions, rivalries between the brothers Vassily and Yuri, sons of Prince Dimitri Donskoi, and the career of the painter Theophanes the Greek, is drawn on but not in the manner of the Hollywood biopic (Strick 1991: ix–x). Instead, imagined scenes from Rublev's life are presented as a series of almost self-contained episodes and the overall narrative is generated by the juxtaposition of these episodes. This results in

a fragmentary, elliptical ‘story’ that eschews the linear narrative and psychological development so dear to Hollywood, though one might be tempted to think that this technique of juxtaposing blocks of material is a cinematic echo of authentically medieval precedents in, for example, the parataxis of the *Song of Roland* (Auerbach 1968: 96–122).

Given that the film’s hero is a painter, we might be tempted to see Andrei Rublev as a stand-in for Andrei Tarkovsky, i.e., a maker of cinematic images transposed into the Middle Ages. Such straightforward identification is avoided, however, as the film features a variety of artists and if Tarkovsky identified himself with anyone it appears to have been with the youthful bellmaker of the film’s astonishing final sequence (Strick 1991: xii). In fact the first artist that we see appears in the very first scene of the film, which sets the tone for what follows and reveals Tarkovsky’s attitude to historical material. This first scene, which plunges us abruptly into the historical landscape with no preparation or context, reveals that the film, like the painters within it, is concerned with what we see. To the sound of hostile shouts and slow solemn music on the soundtrack, a man frantically launches himself into flight suspended from a hot-air balloon and the camera floats with him majestically over the earth, over rivers, churches, trees and awe-struck watchers, only to crash into the ground.

This parable of the artist’s vision features none of the characters who will later appear in the film and is not referred to again. It is up to the spectator to place it beside the other views of the artist that will occur in the film, just as it is up to the spectator to try to gauge the meaning of the image of the black horse that rolls upon the ground in reaction to the balloonist’s flight and fall, an image that echoes T.S. Eliot’s use of images of ‘symbolic value, but of what we cannot tell, for they come to represent the depths of feeling into which we cannot peer’ (Eliot 1941: 53). This is no conventional epic but an intensely personal poetic vision and Tarkovsky had few qualms about introducing a hot-air balloon into the fourteenth century. As he noted wryly in his diaries, the only viewers of the film who complained about the balloon were historians (Tarkovsky 1994: 71).

While it is obvious that *Andrei Rublev* is no Hollywood epic it may not be entirely unconventional. In its view of the prevalence of savagery and superstition it draws on standard cinematic images of the Middle Ages. Further, in its presentation of wild and woolly Russians as oscillating between extremes of reverence for art and spiritual values and violent outbursts of bestial cruelty, the film seems to echo some traditional ideas of the ‘Russian soul’ (Billington 1966: 16–43; Davy 1967), an echo that is surely explicitly sounded in the scene where some visiting Italians, clad in Renaissance splendour, comment disparagingly on the primitive Russians only to be warned not to underestimate their spiritual resources.

And yet the film, some thirty years after its making, still retains a power to startle the spectator, not least in the climactic shift from black-and-white to colour in its final minutes. After some three hours of Tartar invasion, arbitrary acts of princely cruelty, religious persecution, all in monochrome, the icons of Rublev flood the screen with radiance and colour. In the cinema, the effect is overwhelming, though even on television or video something of that effect is caught. It may seem here that Tarkovsky is suggesting that history can be abolished and its cruelties cancelled through the beauties of art (‘simple-minded schematics’ according to Thomson 1994: 737), but the

ending of the film is surely more open and less naively transcendental than this. The whole weight of the film and the spectator's own historical experience bear down on this final sequence. These icons remain in the world and indeed in the film's final seconds they dissolve to an enigmatic view of horses, supreme symbols of the natural world for Tarkovsky, standing in rainswept fields. The spectator has just watched a film that questions the validity of expressions of art and belief; the icons are not the 'answer' to such a bleak series of questions; they are one more element in the puzzle, and a historical element as they are actually medieval, while the film is not, but it is the modern black-and-white film that has worked so hard to evoke medieval Russia (Bird 2004). Their appearance in colour gives the film a formally satisfying ending but they close the film, not an argument. The slow, incantatory art of Tarkovsky is arguably more historical than the straight linear narratives of Hollywood epics. Its closing images of angels do not lead us from darkness to light but look back into the film, into the past, and, like Walter Benjamin's famous angel of history, 'where we perceive a chain of events, he sees a single catastrophe' (Benjamin 1973: 259).

To turn from *Andrei Rublev* to *El Cid* is to see simpler, clearer pictures of the past, though not necessarily inferior ones. While we know much more of the eleventh-century Spanish warrior Rodrigo Díaz than we do of the historical Andrei Rublev, the conventional and limited nature of the surviving sources means that his own personality remains beyond our reach (Fletcher 1989). What we do possess, in the great stream of epic tradition about El Cid, is a clear picture of a noble chivalric hero and this is the picture that we see on the screen. This is not due to Hollywood indifference to history but to the fact that the historical adviser for the film was Ramón Menéndez Pidal, whose intense vision of Rodrigo as a maker of Spain gives the film its coherence (and ensures its status as a cultural document of a particular twentieth-century Spain). Historians are currently much more sceptical about the existence of a 'Spanish' identity in the warring principalities of the Iberian peninsula and tend to see Rodrigo as a typical adventurer of eleventh-century Europe rather than as a selfless patriot (Fletcher 1989: 4–5, 201–5; Linehan 1993).

All this should remind us that historians' judgements are constantly subject to appeal. It is unfair to expect film-makers to 'get it right' in their depiction of the past. There is no single correct vision, though there are, of course, ways of 'getting it wrong' and film-makers can offer egregious demonstrations of this. To focus on unhistorical elements in *El Cid*, such as its Spanish patriotism, stylised costumes and schematic narrative is to miss the achievement of the film. In fact, many of the essentials of eleventh-century high politics are well caught: the jealous guarding of honour, the ideals of military prowess and largesse, the dynastic rivalries. What makes the film work is the fact that Menéndez Pidal's vision, of nobility constantly challenged and constantly rising to the challenge, is not only inherently dramatic but chimed with the concerns of the film's director, Anthony Mann, who had spent the 1950s making Westerns where heroes are forced to draw on reserves of physical and moral courage in confrontations in a vast and pitiless landscape (Thomson 1994: 476–7). The result is a film that, for all its scenes of medieval splendour, never loses sight of its key themes, which are those of Mann's Westerns. The vast numbers of extras as warriors and the grand settings never overwhelm the drama, which is often played out in relatively intimate encounters between a few principals, as in the affecting sequence where Rodrigo goes into exile with only his wife Jimena and they

journey on their own through an immense landscape bounded by mountains. This sequence, with its painterly evocations of the flight of the Holy Family to Egypt, moves from a quiet domestic scene between husband and wife to a screen-filling crowd of extras who call upon Rodrigo to lead them for the sake of Spain. It is a tightly controlled succession of scenes where the director unleashes the weaponry of the epic (wide screen, hosts of costumed extras) only when it can make an impact.

In his 1950s Westerns Mann's star was James Stewart who, rather surprisingly in view of his standard screen roles as the personification of small-town virtues, brought violence and neurosis to the hero-roles of films such as *The Naked Spur* (1953) and *The Man from Laramie* (1955). Stewart's performances showed how the Western genre's conventional heroes could be revitalised and surely paved the way for his disquieting appearance in Hitchcock's sombre masterpiece *Vertigo* (1958). A performance of this sort in the role of El Cid would have offered a fascinating slant on the historical epic but such a performance was not forthcoming. The title role is played by Charlton Heston, a less subtle actor than James Stewart, or rather an actor who has not been allowed to demonstrate subtlety. Charlton Heston brought to *El Cid* the aura of having played a sternly heroic Moses in *The Ten Commandments* (1956), as well as a sternly heroic *Ben-Hur* (1959); even as a modern-day Mexican cop in *Touch of Evil* (1958) he was heroic. To *El Cid*, Heston brought this well-honed persona as champion of the cinematic epic as well as his striking physical presence. In this he was matched by his screen partner, Sophia Loren, who, all curves and severe expressions, resembles some majestic Romanesque structure. Both actors look magnificent and in fact perform their roles very well, but they eschew nuance. Sophia Loren's performance acquires a weirdly stylised dimension from her refusal to be made up so as to reflect her character's aging; as the film goes on, Charlton Heston grows ever more battle-scarred and grizzled while Sophia Loren remains magnificently herself (Smith 1991: 70 and cf. Elley 1984: 157–9).

If Sophia Loren and Charlton Heston play larger-than-life figures, with little naturalism, that is not a limitation. Medieval representations of heroes and their noble ladies were governed by conventions. The fact that we know very little about the individual characteristics of Rodrigo Diaz is due not simply to the scarcity of our evidence but to its conceptual limitations (by the standards of our culture). Before the twelfth century, and in many cases long after it, writers describing great princes sought to evoke a type, not an individual. As Richard Fletcher puts it: 'Eleventh-century people are as formalised in the written sources as they are in the Bayeux Tapestry', and that tapestry features in the film as object and as source of a 'medieval' film language (Fletcher 1989: 6; cf. Leyser 1982: 241–6 and Fried 1994: 92; Burt 2009). Charlton Heston and Sophia Loren offer a modern version of the conventions of the chroniclers and epic poets and their seemingly limited portrayals are in fact supremely appropriate cinematic translations of medieval epic (cf. Bumke 1991: 275–359).

The past is always other, even the recent past. It is the past of Hollywood itself that adds an extra level of interest to films such as *The Adventures of Robin Hood* (1938). The old-style Hollywood studios were not only dream factories that possessed the personnel and skills to release a film a week (*The Adventures of Robin Hood* was only one of 52 films released by Warner Brothers in 1938 (Finler 1992: 484)); they were also mighty economic powers that distributed the films they made

through the chains of cinemas that they controlled. A combination of factors, including the rise of television and government assaults on the studio ownership of cinemas meant that by the 1950s this system was finished (Schatz 1998). The era of the studios was therefore historically finite and it is to that era that *The Adventures of Robin Hood* belongs as a 'prime example of studio film-making at its best' (Finler 1992: 408; cf. Roddick 1983: 241).

There is certainly little sense of medieval 'otherness' in the film. Although its opening credits proclaim it to be 'based upon ancient Robin Hood legends' the Gothick lettering of these credits (which extends even to the Warner Brothers logo, the familiar shield of which is festooned with ivy as if it belonged to some ancestral castle of the Warners' dynasty), the soaring music and the reassuring presence of such names as Errol Flynn, Olivia de Havilland and Basil Rathbone tell us that we are in the land of the Hollywood swashbuckler. All three had already appeared in the same studio's pirate adventure *Captain Blood* (1935) and Flynn and de Havilland had also appeared in *The Charge of the Light Brigade* (1936) while Flynn had appeared in the Tudor adventure *The Prince and the Pauper* (1937). The fact that none of these films is set in the Middle Ages should not prevent us from grouping them with *The Adventures of Robin Hood*. By 1938, audiences knew what to expect of a costume drama featuring Flynn, de Havilland and Rathbone and the studio continued to mine this profitable genre with two more pictures, *The Private Lives of Elizabeth and Essex*



Figure 12.3 Errol Flynn and co. as Robin Hood and co. Source: BFI Films: Stills, Posters and Designs.

(1939) and another fantastical pirate romp, *The Sea Hawk* (1940) (Roddick 1983: 235–48). Within this group, the fact that *The Adventures of Robin Hood* is set in the Middle Ages is less important than the fact that it featured actors and a director who could be trusted to provide swashbuckling entertainment. This was a feature of the consistency achieved by the studio system which meant that audiences acquired a formidable grasp of genre through a familiarity with even minor players in such productions. Alan Hale, for example, hardly a name to conjure with today, played the same sort of character (hearty supporter of Errol Flynn's hero) in *The Prince and the Pauper*, *The Adventures of Robin Hood*, *The Private Lives of Elizabeth and Essex* and *The Sea Hawk*; the appearance of his name on the credits of an Errol Flynn film set up expectations that would be fulfilled by the studio product.

As a product of that studio system at a particular historical moment, the film has dated. Much of the acting now seems rather crude: the merry men mug shamelessly in telegraphed response to the quips of the script; Errol Flynn, as Robin Hood, spends much screen time putting his hands on his hips, throwing back his head and laughing heartily at discomfited villains. The medieval setting mainly provides opportunities for the wearing of gorgeous costumes in great halls as well as for lusty banquets in the greenwood. The dynamics of the plot in fact owe much to Walter Scott whose novel *Ivanhoe*, published in 1819, also features Robin Hood in a tale of rivalry between grasping Norman barons and stout-hearted Saxons loyal to King Richard I. The film thus echoes nineteenth-century European interests in medieval romance, and can be profitably compared with its astoundingly dark contemporary, *The Hunchback of Notre Dame* (1939), where medievalism leads to Expressionist urban claustrophobia (Heisner 1990: 240–2).

And yet the film merits its reputation as the supreme swashbuckler and the most successful screen version of the Robin Hood stories. As such, it fully deserves our attention. I will limit my comments to three points. First, the film was the product of conscious decisions made about history and genre, decisions that cast light on the workings of the studio system. Some of the history that pressed on the film was recent Hollywood history. The original director assigned to it, William Keighley, appears to have been mesmerised by the grandiose 1922 version with Douglas Fairbanks; studio memos reveal that his labours to reproduce this were resulting in a lumbering monster without pace and coherence and he was taken off the film (Behlmer 1986: 46–51). The film therefore had to be defined against a part of Hollywood history. More interestingly, these memos reveal that the studio did not want the film to be swamped by its medieval trappings; what counted was Robin Hood himself, 'the swashbuckling, reckless . . . character . . . It is not by thoughts of knights and castles and tournaments that this character has lived . . .' (Behlmer 1986: 47–8). Producers, director and the award-winning editor focused on character, narrative drive and, amid the spectacular sword-fights and stunts, credibility of action (by Hollywood standards); they also worried over the flavour of period dialogue and the role of women (Maid Marian was understood to be a late addition to the tales) (Behlmer 1979: 17; Behlmer 1986: 44–52; Robertson 1993: 43–4). The problems posed by the period setting and the film's genre were not only grasped but solved so successfully in cinematic terms that the film became a benchmark against which later treatments of the Robin Hood story had to be measured or against which they could creatively re-act as in the bittersweet *Robin and Marian* (1976).

Secondly, the film succeeds because it tells its story in primarily visual, cinematic terms, as seen, for example, in the love story between Robin (Errol Flynn) and Marian (Olivia de Havilland). This is a conventional enough story made more so by the limitations of Flynn's acting, the bareness of the script and the dedication to making Olivia de Havilland look decorative in a never-ending series of beautiful gowns (this, together with other characters' comments on and reactions to her appearance establishes her part as a classic example of the 'to-be-looked-atness' of female roles, as discussed in Levin 1998, and Stock and Gregory-Abbott 2007, esp. pp. 202–204). The growing closeness of the characters, however, is depicted in visual terms. When Marian encounters Robin in Sherwood Forest, long shots and medium shots of the merry men feasting are gradually replaced by shots of Robin and Marian on their own. One particular two-shot is held for some twenty seconds with Robin and Marian at extreme edges of the frame; this is followed by briefer reverse angle shots and another two-shot where the characters are closer to one another and become linked when Marian gives Robin her hand. The story is told by shooting and editing as much as by dialogue. Within the general structure of the film's narrative arc, in which the personnel and values of the forest invade and transform the castle, Marian is seen to move closer to Robin by moving from the closed world of the Norman castles to the world of the greenwood; significantly she thinks of Robin or meets him at windows which act as thresholds of and gateways to the free forest world.

Finally, the film is freighted with some of the sombre history of the 1930s. As background to the antics of Robin and company are grim sequences of Saxons being systematically robbed and beaten by black-garbed military Norman oppressors convinced of their racial superiority. Events in Europe here sound an echo in a Hollywood whose medieval romps might appear as simply self-contained worlds. In 1939 the studio released *Confessions of a Nazi Spy*, confirming the views of German-Americans that it was consistently hostile to the Nazi regime in Germany (Behlmer 1986: 188–91; Finler 1992: 404; Robertson 1993: 147; cf. also Vidal 1992). The music for *The Adventures of Robin Hood* was composed by Erich Wolfgang Korngold. A sensationally successful composer of operas in his native Vienna, Korngold had already written scores for *Captain Blood* and *The Prince and the Pauper* but did not want to write for *The Adventures of Robin Hood*, feeling out of sympathy with the project. He was eventually won over to it in February 1938 and the Nazi take-over of Austria in March of that year meant that he became an exile in Hollywood (Behlmer 1986: 52–3). Hollywood and the filmgoing public recognised Korngold's talent; his magnificent score for the film gained him an Academy Award and his work for *King's Row* (1942) generated much public interest (Behlmer 1986: 142). Yet, in serious music circles, his Hollywood success defined and limited him, and after 1945 he could not re-establish himself as a musical force in Vienna. Hollywood had saved him from Nazi persecution but the austerities of high modernism condemned him to a marginal status in music history from which he has only recently been rescued.

The Adventures of Robin Hood is thus a more complex artefact than it might at first appear. In common with many of the films discussed in this chapter it needs to be assessed on its own terms, as a film, not as an academic monograph on medieval life. As we have seen, films do not stand outside of history; they demand a knowledge of the history which they depict and the history from which they themselves come. Neither innocent nor trivial, historical films pose troubling questions about

the representation of the past. Uneasily, one recalls Aristotle's view of poetry as more deserving of attention than history. Luckily for us, however, the best of the films discussed here offer as much poetry *and* history as any spectator could desire.

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PART II

BELIEFS, SOCIAL VALUES AND SYMBOLIC ORDER



INTRODUCTION

Renaissance scholars invented the notion of the ‘medieval’ world in order to set their own age off against it. Theirs, they believed, was a new age of enlightenment, the Middle Ages an age of barbarism. Some modern people represent the Middle Ages in a similar way, for this is the popular understanding of ‘medieval’ (cf. ‘feudal’) nowadays: the word denotes the primitive, violent, ignorant, benighted. You would steer clear of someone (it would tend to be a man rather than a woman) whose values or conduct were described as ‘positively medieval’! The medieval past is a foreign country. On the other hand, since the nineteenth century at least, there has been an alternative, positive, view of the Middle Ages, as a world of domestic production in which the craftsman was not alienated from his product, an age of faith, an age of chivalry, aesthetically and morally attractive. In Part II of this book, some contributions explicitly engage in critical inspection of such stereotypes, while others do so implicitly. The object in every case is to understand the medieval world on its own terms, sympathetically but never condescendingly. We should have made little progress if after renouncing myths of medieval chivalry and piety, we derided the settlement of disputes by means of trial by battle or the execution of animals for crime, or cringed at the excesses of inquisitors as if these could safely be confined to a dark past (all these, incidentally, are reactions to the Middle Ages invited by recent films. . .), still worse, perhaps, if we failed to recognise that chivalry and piety were not merely myths.

Anthropologists and sociologists have long known the importance of rituals and formalities in oiling social relationships, but also in acting as safety-valves for tensions, in saving face when confrontation ended in a climb-down, in mystifying contradictions or leaving meanings ambiguous. Medievalists have arguably been speedier than their modernist colleagues in taking on board such insights and reading the evidence for religious belief and social values more subtly in the light of them. It was not that medieval people could not distinguish between shame and sin, or between public and private: they made and used those distinctions in their own ways and contexts. It was not that medieval understandings of gender, or of the

body, were simpler, more ‘primitive’, than those of modern people: they were different – but the differences are not beyond our grasp provided we broaden the range of what counts as admissible evidence. Rites and representations, literary jokes, medical treatises and inquisitorial records are among the many types of historical material discussed in Part II.

These chapters don’t only make medieval beliefs and practices intelligible, they reveal the extent of change, reaction and adaptation across the thousand-year span of history which they cover. The central medieval period emerges, again, as the fulcrum. The sacraments were defined with a new sharpness, for example in reference to penance and marriage, as priesthood and laity interacted in new ways. Models hypothesising the Church’s self-interested imposition of its rules on lay people against their will have been subjected to increasingly sharp critique, as have assumptions of some medieval norm of opposition between secular and spiritual spheres, between kingdom (*regnum*) and priesthood (*sacerdotium*). That broad division of ‘orders’ and spheres of action was certainly made, but it was cross-cut by lines of mutual interest and alliance. Lay people wanted authoritative rules on prohibited degrees of marriage and on sexual offences – provided they could bend them when necessary. The lay faithful collaborated with priests in ostracising sinners and heretics and identifying the holiest of them as saints. If the papacy, from the eleventh century onwards, presented itself as the supreme arbiter of Christendom’s morals, it did so often with the laity’s active – and material – support. In the late Middle Ages, religion and its symbols became so thoroughly politicised that the alignment of Church (or particular churches) and State became closer than ever. If the ecclesiastical authorities worried about outbursts of religious enthusiasm that were potentially subversive, so too did the secular authorities. Yet that was the very period in which such outbursts were especially marked. Secularisation was emphatically not the sign of the late Middle Ages.

Part II includes chapters on gender and sexuality and attitudes to the body. This editorial decision reflects the way in which historical scholarship on these themes, though only quite recent, has already become key to our understanding of social values and practices in the past. Gender, sexuality, and attitudes to the body, all the more surprisingly given some modern writers’ assertions of the natural, essential, character of these categories, and a still widespread notion of the Middle Ages as static, have turned out to reveal some important dimensions of medieval change. Gender roles are about power relations, but they also provide ways in which people make sense of, and bring meaning into, their lives. Patriarchy is not the whole story; and in any case it varied quite significantly over time, while its weight varied with social rank, and with women’s stage in their life-cycle. There was misogyny in the Middle Ages, but it was neither universal nor homogenous. Medieval understandings of sexual behaviour and sexual difference were varied, and often subtle. Beliefs about what happened to a person after death affected the treatment of dead bodies, but here again, within the matrix of Christianity, not only were there changes in the central and later Middle Ages as compared with earlier, there were also notable divergences between practice in various parts of Latin Christendom, and between the views of medical practitioners and theologians, and – influenced but not wholly determined by the professionals of either of those groups – lay people.

CHAPTER THIRTEEN

POLITICAL RITUALS AND POLITICAL IMAGINATION IN THE MEDIEVAL WEST FROM THE FOURTH CENTURY TO THE ELEVENTH¹



Philippe Buc

‘Medieval political rituals’ is a problematic topic. For one thing, the category of the ‘political’ is fundamentally a creation of modernity; for another, the wide concept of ‘ritual’ is not only even more recent than ‘politics’ but also extremely vague. What warrants, then, the inclusion, in a single ensemble, of such practices as coronations and crown-wearings, princely funerals, ordeals, entries, civic games, banquets, the hunt, relic-translations and elevations, oath-takings, acclamations or *laudes*, knightings, and acts of submission or commendation (though this chapter deals with only some of these) (Le Goff 1980: 237–87; Keller 1993: 51–86; articles in *Byzantion* 61 (1991); Nelson 1999; and especially McCormick 1986, with superb bibliography)? From the point of view of the medieval observer, they were all concerned with power, order, community and hierarchy. Many of them, ideally, involved a vertical dimension, a connectedness with heavenly matters through the liturgy or through solemnities recognizably related to liturgical forms. The hunt, performed *more solemn*i, in solemn fashion (*Annales regni Francorum* ad. an. 819: 152; Nelson 1987: 166–9, and in general Gorevich 1987: 562–99), and – when references to Christ’s Last Supper are lacking – banquets (Hauck 1950: 611–21; Fichtenau 1984: 82–91; Althoff 1987), could belong to another group of practices. The culture which invented the dichotomy between ‘sacred’ and ‘profane’ later routinized by Durkheimian anthropology was able to conceive of ‘secular rituals’. But the distinction sacred–profane implied a superiority; as a result, in eras of tension between *regnum* and *sacerdotium*, or in moments of dispute between lay and clerical entities, ecclesiastical sources could demonize as ‘bad rituals’ both the hunt and the banquet (Alpert of Metz, *De diversitate temporum* 2.20: 719, on Thiel merchant-guildsmen feasting *quasi solemniter ebrietati inserviunt*, Buc 1994: 225–30; cf. Buc 1989: 697–9). Conversely, authors more interested in seeing their ruler as a minister in the *ecclesia* could write them up in the same breath as solemnities of religious origin – and bridge the sacred–profane dichotomy (Thegan, *Gesta Hludowici* c. 19: 202–4; Nelson 1999: 167–8; Barthélemy 1997: 201, 207 (on Ermold, *Poème sur Louis le Pieux*, ll. 2164–2529); cf. Aymar 1951: 503–13, 527–9; Grabar 1936 (1971): 57–62; 133–44).² Similarly, clerics in the service of rulers had a tendency to

liturgify a key pursuit of the lay aristocracy, war, and, in writing at least, deny any liturgical character to their opponents' own warfare (Koeniger 1918; Prinz 1971; McCormick 1986: 342ff.; McCormick 1992; Barthélemy 1997: 207–8; Buc 1995: 215; Buc 1996: 5).

To write of 'rituals' over time is fraught with dangers, since the functionalist baggage with which anthropology is still loaded renders the historian only too ready to seek an excessively rigid correlation between changes in ritual practice and changes in social or political structure. Many a study ends with, or hinges on, the end of (or crisis in) a system of rituals, or its transmutation through institutionalization (Kelly and Kaplan 1990; Buc 2000b). An interesting sub-issue, actually, is whether "political ritual" was enough of an autonomous or semi-autonomous variable, with "power" of its own, vis-à-vis raw might, that historians, by bringing in "ritual", can renew master narratives. Otherwise put, "can attention paid to rituals justify a rewriting of traditional political history and of its turning-points, to the extent of changing its chronology?" (Althoff 2003; Buc 2005b). Althoff has interestingly proposed that the German realm entered into a crisis precisely because Henry IV refused to play by the established ritualized rules (Althoff 2006). But one can rejoinder that the established forms of symbolic communication broke down precisely because of the civil war, a civil war that was sometimes pursued as a holy war (Buc 2010). A second problem lies in the nature of the medieval evidence: authors were prone to invent rituals, which clearly were, next to miracles, the strongest keystone to a narrative. But given a culture which, like imperial Rome, took solemnities seriously, the issue of their recycling or transformation in moments of historical transition remains, despite this danger, worth exploring. All the more so as we can expect a certain degree of self-consciousness on the part of Christian authors. They thought of the relationship between an old order – that of the Old Law of Moses – and a new order – the New Dispensation inaugurated by Christ – in terms of the abrogation of earlier ceremonies; they also read into the history of Ancient Israel a series of purifying reforms inaugurated with the invention or restoration of religious practices. This understanding has deceived some historians into seeing the early Middle Ages as an age dominated by ritual, superseded by an age of action or of the spirit: hence Duby (among others) imagined a 'passage from a ritualistic and liturgical religion . . . to a religion of action'. This is merely to reproduce the Christian normative opposition between Old Testament and New Testament, between ceremonies and spirit, on the basis of the polemical writings of the new monastic orders against the older Benedictines (Buc 2001: 220). In the following pages, I will therefore risk a diachronic approach, while well aware that clerical circles had their own sense of the relationship between ritual and history (Buc 2001: 164–5, 219–22).

The barbarian rulers of sub-Roman political communities clearly believed that imperial solemnities belonged to the trappings of legitimate rule – hence had to be imitated. The tenth-century Byzantine treatise, *On the Governance of the Empire*, warned against the appetite of the Franks for Roman insignia, such as the purple. Consequently, it recommended a careful control of the export of objects associated with imperial power – elements of 'the imperial vesture or diadems or state robes' (Constantine VII, *de Administrando Imperio* c. 13: 66–7; cf. Shepard, chapter 2 in this volume). But control could not forestall imitation (McCormick 1986: 330–4); and imitation of 'the sole exemplar of *imperium*' was openly the policy

of the Western kings – even if the Byzantines did not always consider it flattering (Cassiodorus, *Variae* 1.1.3: 9, ll. 18–20; for intercultural diplomatic rituals, see Pohl 2013). Already in the sixth century Procopius could find no better way to illustrate the scandalous independence of Frankish kings than to report in a single breath that they had stuck gold coins in their own image and that they were giving circus-games in Arles (Procopius, *History of the Wars* 7.33: 438, 6). Hippodrome and theatre, however, soon disappeared in the Latin West – though *venationes* (hunts) may have survived with an aristocratic, as opposed to civic, audience (Notker, *Gesta Karoli* 2.15: 79, l. 11). Perhaps more than Christian critique (Markus 1990; Weismann 1972), it may have been the decline in the vitality of towns, as well as the absence of a stable capital, which doomed the arena. It seems to have disappeared fairly late in the lands dominated by East Rome, where cities could still provide the audience and the incentives that authorities needed. Yet even a shrunken urban stage did not prevent Western kings from adapting to their uses the Late Roman ceremonies of departure for, and triumphal return from, war (McCormick 1986; cf. Julian of Toledo, *Historiae Wambae*: 500–35, and de Jong 2000). The case of the arena aside, the ‘Christianization’ of the imperial office entailed an influence of Christian tropes on ceremonial (since the ruler had to display his religious identity) as well as the possibility for leaders of the Church to borrow Roman forms (since they now belonged to the official elite) (Brennan 1984). The Romans considered their battle-insignia to be among the *sacra*, and could bring along in combat the statues of the gods. With Constantine’s conversion, the cross and the sign in whose name the emperor had conquered his rival Maxentius took the place of the older signs (McCormick 1986: 106–7; Heim 1991: 98–105). Soon Christian armies carried relics of the saints into battle – a behaviour attested in the West by the sixth century (Gregory, *Libri Historiarum* 7.31: 350), and like so many other practices standing at the intersection between cult and politics, emerging in full light thanks to Carolingian legislative activity. Thus Carloman in a capitulary of 742 forbade all priests to accompany the Frankish armies

with the exception of those who have been designated for the sake of performing the divine ministry, that is, the solemnities of the mass, and to carry the protective relics (*patrocinia*) of the saints. That is, let the prince take along one or two bishops with the priests of the chapel, and each prefect one priest, so that they can judge the men who confess their sins and inflict penance upon them.

(*Concilium Germanicum* c. 2: 25)

Relics for victory, mass for victory, penance for victory as well. Bloodshed, even with pagans as victims, may have been polluting, but to be triumphant, the Franks had to be pure (Erdmann 1935: 14): the royal abbey of St Denis preserved in its formulary Charlemagne’s 791 letter to his wife Fastrada recounting how, before initiating an expedition and combat with the enemy, he had ordered a three-day fast; the king advised that this rite be imitated, an admonition which the monks of St Denis took seriously (Zeumer, *Formulae*: 510–11; cf. McCormick 1986: 352–3). Rewriting after rewriting of Carolingian annals had increasingly transmuted the civil wars waged by the king’s ancestors into regular ‘holy wars’. So, for example, shortly after Charlemagne’s imperial coronation, the *Annales Mettenses priores*

retroactively transformed the battle of Tertry (687) between Pippin II and the Neustrians into a *iudicium Dei* (Judgement of God) meant to rectify injustice and the despoliations of churches. Before the battle, the Austrasian mayor of the palace had exhorted his great men 'to commend themselves through vows and prayers to God's omnipotence, He who gives honour and victory to all those who fear Him and keep His precepts' (*Annales Mettenses Priores*, ad an. 689: 8–12). By the eleventh century, prayer before battle had become a para-liturgical custom the lay aristocracy employed against its – Christian – enemies (Dudo of St Quentin, *De moribus cc.* 107–9: 270–2; Christiansen 1998: 144–7).

For public *potestas*, conversion meant not only tinting the old rites in Christian colours but innovation as well. For instance, in 403/4, Honorius I took off his diadem and confessed his sins before Peter's *memoria* in Rome (Augustine, Sermon Dolbeau 25.26 (Mainz 61: 76). The biblical model implicit here, that of David, which Ambrose had preached to Theodosius I, was fast becoming an actual pattern for royal rites of self-humiliation (Schieffer 1972; de Jong 1992; de Jong 1997; cf. Graboïs 1992). Barely thirty years after Honorius' visit to Rome, Theodosius II institutionalized his predecessor's pious act in an edict binding the ruler to lay down his arms and crown before entering a basilica (Treitinger 1938: 9, 150). In a more local context, bishops, in a constant struggle to impose their authority over fractious civic communities, adopted and transformed solemnities associated with Roman officialdom. Thus, the translation of relics into a *civitas*, as first fully described in Victricius of Rouen's sermon of 396, patterned itself loosely on the imperial *adventus* (Brown 1982; but see Jussen 1995; Jussen 1998). It is well known that the borrowings between Church and kingdom were a two-way street throughout the Middle Ages (Schramm 1970). Very soon, emperors, barbarian kings, and their nobles imitated bishops in caring for the poor, and Venantius Fortunatus could sing the praises of Count Sigoald, 'who fed the poor for the king's sake' so that God would grant young Childebert II a long life and the heights of royal rule. This Sigoald represented Childebert at 'sacred festivals' and provided there for thousands of sick and needy people (Venantius Fortunatus, *Carmen* 10, ll. 19–26, 31–3, 250; and Venantius Fortunatus, *Vita sancti Germani* c. 13: 381–2; Gregory, *Libri Historiarum* 8.29: 391, 393; Tinnfeld 1991: 109–13; cf. Boshof 1976).

But for Fortunatus, we might know little concerning early Frankish royal rituals. Our main sixth-century informant, Bishop Gregory of Tours, was unwilling to hallow his kings, in whom he saw at best (but rarely) devoted instruments of the episcopate, at worst (and more commonly) competitors for taxes and power (Buc 2001: ch. 3). The Merovingians' Carolingian successors also contributed to this obfuscation (Hauck 1967: 72; Schneider 1972; Nelson 1987: 140–1; cf. Enright 1985). Yet incidental details in Gregory's works, combined with Fortunatus' poems praising Merovingian royalty and evidence from neighbouring kingdoms, betray the continuing importance of the *imitatio imperii*. Circus games lasted into the seventh century (Gregory, *Libri Historiarum* 5.17: 216; cf. Procopius, *History* 7.33). To accompany *laudes* and acclamations, rulers imported musical instruments from Byzantium or its western outposts (*Annales regni Francorum* ad. ann. 757: 14; cf. *Annales Petaviani*: 11; Ermold, *Poème* ll. 2520–5: 192; Cassiodorus, *Variae* 2.41.4 (508): 92. See Zak 1991: 481–7; Schneider 1972: 234–5). Entries (*adventus*) into cities seem to have continued, both at the royal and comital level; some may have involved trains of

relics; care seems to have been paid to place the *adventus* at the high dates of the liturgical calendar (Gregory, *Libri Historiarum* 6.27: 295; cf. Hauck 1967: 34–7; Schaller 1974). Kings took pains to be present at the festivals of the saints. Gregory accused the Arian king of the Visigoths of deception in honouring relics, but this worship no doubt was rendered in a public fashion (Gregory, *Libri Historiarum* 6.18: 287). Merovingian royalty might address their people during mass. We even have the trace of kings' liturgical authorship: Chilperic composed hymns, one of which, honouring St Médard, the saint of the Frankish capital city of Soissons, has survived (Gregory, *Libri Historiarum* 8.44: 410; 9.3: 416; cf. 5.44: 254 and 6.46: 320; cf. Strecker 1923: 457–9; Norberg 1954: 31–40). Well before our first surviving evidence of a Carolingian king's participation in relic translations, Lombard sources depict the role of the *princeps* Arichis in receiving the bones of twelve martyrs as well as the relics of the warrior-saint Mercurius into his capital of Benevento, 'having put off his [princely] ornaments . . . and clothed in a hair-shirt and prostrate to the ground' (*Translatio sancti Mercurii*: 580; *Translatio duodecim martyrum*: 575; Belting 1962: 156–60; with Binon 1937: 43–50). Merovingian rulers also imitated the Constantinian and Theodosian exemplar by presiding at synods. The mimesis of Constantine and Theodosius II involved the festive ratification of orthodox councils and the condemnation of heresy – as in Visigothic Spain after Reccared's conversion (589) (Stocking 1997; Stocking 2000), or under Cunibert in Lombardy (698) (*Carmen de synodo Ticinensi*: 189–91). Through solemnities affirming the (re)foundation of a national Church purged of religious deviance, kings claimed a place in providential history (Zeddies 1995). When they condemned the Byzantines' stance on icon-worship at the Frankfurt synod of 794, the Carolingians, then, followed an established tradition. The elevation of Louis to co-emperorship in 813 not coincidentally followed immediately – at least in some contemporary sources – upon a reform council (*Annales regni Francorum* ad ann. 813: 138; *Chronicon Moissiacense* ad. ann. 813: 311).

Conciliar records themselves offer an indirect glimpse into what we may call the 'native anthropology' of early medieval assemblies. Gerd Althoff has dissected in masterly fashion the functioning of lay *colloquia*, and confirmed Hincmar of Rheims' normative description: a frank, consensus-building 'private' discussion ideally prepared and delineated the subsequent 'public' debate and its decisions (Althoff 1997a). But if we allow ourselves to draw in the clergy's self-reflective pronouncements, we can bring some emotional texture to Althoff's 'rules of the political game'. Early medieval political culture treasured the display of personal interaction in public settings. Here too, it stood heir to Ancient Rome, where it had been a mark of the *civilis princeps* to allow himself to be seen by all and to see all citizens (Pliny the Younger, *Panegyricus Traiani*: 140; Buc 1997: 67–70). For the fathers of the Visigothic councils, whose way of proceeding became normative for Carolingian Europe, corrective legislation was not the sole justification for their assemblies. They also served 'to stabilize concord and brotherly charity, when gathered together in the Lord's name, bishops through a salutary conversation (*conlatio*) seek among themselves those things which, according to the Apostle's teaching, foster a unity of mind and the bond of peace' (Braga I (561): 65; cf. Toledo XVI (693): 482; also Arles (813), prologue: 248; and Coulaines (843), prologue: 254). Next to *conlatio*, the visual availability of each to each also demonstrated the presence of charity (Toledo

XV (688), prologue: 449; cf. Arles (813): 248). The circle provided the best vector – and spatial metaphor – for this equality, and consequently councils favoured seats placed in a crown (*corona*) (Reynolds 1987; Fichtenau 1984: 1.30, n. 106, 32 and nn.) Seating (as opposed to standing) signalled participation in authority (Alföldi 1970: 42, 44–5; cf. Jerome, *In Eph.* 5.3–4, PL 26, 552, but cf. Bede, *In Apoc.* 4.4., PL 93, 143). At councils, bishops sat, but their priests stood behind them. A throne placed in the centre marked, tautologically, the centrality of the person there seated. But centrality did not necessarily mean autocracy. In Ambrosius Autpertus' exegesis (758/767) of the heavenly ceremonial in *Revelations*, both the one seated on the central throne and the various figures placed in circles around it – notably the twenty-four *seniores* and the four animals – shared in an essentially identical judicial power (*In Apoc.* 4.4, 4.6, 7.9, 7.11, 11.15: 211, 216–17, 306–7, 312–13, 436–7; cf. Haymo of Auxerre, *in eodem*, esp. PL 117: 1006, 1023, 1039).³ This meshes with a strand in Carolingian ecclesiology which Olivier Guillot has analysed on the basis of two capitularies: the participation by the king, the lay magnates, and the bishops in a single *honor* and power, which bound them to a common work of reform of kingdom and Church under the king's leadership (Guillot 1990: 466–7, 485; Guillot 1983: 92–5, with ref. to Coulaines (843): 254, and Ansegis, *Collectio capitularium*, 2.3: 523). In typical early medieval fashion, the disposition at assemblies could convey simultaneously equality and superiority (Buc 1994: 45–7; cf. Fichtenau 1984: 1.33–5). Positioned at the top of a *corona* (the top being identified through proximity to a cardinal direction or to the holier part of a church in which the assembly took place, as well as, more simply, through a higher throne), a person became central – as if the circle had shifted from a horizontal plane to an oblique plane, thus introducing verticality. The presentation image in the so-called Bible of Charles the Bald (MS Paris BN Latin 1, fo. 423r) – one of whose other miniatures Dominique Alibert has already related to the Carolingian ideology of participation – manages in this way to combine circularity and eminence, participation and the summit of rule (Alibert 1994: 75–91, esp. 85–6, 89–90). In fact, with the king on the throne, the twelve clerics disposed in a circle (including the non-tonsured lay abbot Vivian), the four lay figures closer to the king's seat, and the presentation of a book, it replicates the structure of the heavenly ceremonial of *Revelations*, or rather of its exegesis – since it is biblical commentaries which inform us that the twenty-four elders are in fact a double twelve, owing to the duality of Old and New Testaments. When one brings together the exegesis by Angelomus and the miniature, one finds in the latter the iconographic equivalent of the programme discovered by Guillot: king, magnates, and clergy belong as limbs to a single body – the Carolingian Church-Commonwealth – and rectify it together under royal leadership. Here iconography and exegesis offer the historian a tentative lead into the political meaning of the spatial organization at Carolingian assemblies.

The Carolingian and Ottonian centuries raise the vexing question of a seeming increase in 'rituals'. The surviving documents suggest a higher frequency of such solemnized acts – higher both between the Carolingian and Merovingian eras and between the Ottonian and Carolingian dispensations. Karl Leyser underlined this second increase, starting in the 960s and 970s with the production of Liudprand's *Antapodosis*, the Continuation of Regino of Prüm, and Widukind of Corvey's *Deeds of the Saxons*, and related it to the needs of a less literate tenth-century German

kingdom. Rituals, in his opinion, fulfilled the function of the quill as a means of communication (Leyser 1994 (i): 192–6, 211). Yet, as suggested above, the first increase, from Merovingian to Carolingian, may be partly an optical illusion related to the Carolingian desire to obscure the Merovingian past. Further, the correlation ritual: orality is not an obvious one. In the Carolingian era itself, starting in the 830s, descriptions of ritual increase in the putatively more literate circles around Louis the Pious and his sons. The Carolingian educational reforms were bearing full fruits; denser narrative texts were produced, which supply more information on rituals



Figure 13.1 Charles the Bald in the structural position of *Revelation's* royal Elder of Days, surrounded by twelve *seniores*, from Bibliothèque Nationale de France, Ms. Latin 1 (*Première Bible de Charles le Chauve*), F. 423r.

than the more laconic sources Carolingian historiography produced before the 830s. Were Leyser's hypothesis valid, it should also apply to the early, less literate Carolingian era. There seems, rather, to be a straightforward (and unsurprising) correlation between literary productivity and the presence of rituals in writing. But the change in the type of sources is significant. For in itself the heightened loquacity about rituals points to a transformation in their functioning *vis-à-vis* the eighth century. With the appearance of an imperial aristocracy whose members, being spread over a far-flung territory, could not all witness each ceremony, descriptions of rituals became as important as their performance (Buc 2001).

Furthermore, regardless of this phenomenon, qualitative changes in solemnities are clear. Most obviously, coronation, in progressively tighter conjunction with anointing (introduced by the Visigoths in the seventh century but rediscovered for good by the Franks from 751–4), became constitutive of royal power (Klewitz 1939; Brühl 1962; Jäschke 1970; Brühl 1982). Prior to that, sub-Roman kings wore crowns, but ceremonies centred on this object – the coronation proper and various forms of crown-wearing – did not exist (Jäschke 1970: 586).⁴ Still c.800, a Carolingian court cleric commenting on the accession of the first king of Israel did not specifically highlight the crown, and insisted rather on the subjects' gestures of self-abasement: 'They made Saul king in that place, that is, they prepared for him a very high throne, and clothed him in royal vestments, and then they revered him as their king, and humbled [i.e., prostrated] themselves before him' (MS Paris BN N.a.l. 762, fos. 110v–111r, Wigbod *in* 1 Reg. 11.15: 'Et fecerunt ibi regem Saul, id est paraverunt sibi optimam sedem. et vestierunt Saul regalibus vestimentis. et tunc adoraverunt eum pro rege. et humiliati sunt coram illo.'). We owe, then, to the Carolingians' need to legitimize their coup d'état against the Merovingian 'long-haired kings,' the fact that the crown has become the sign par excellence of the monarch (Jäschke 1970: 582–5). Under the Carolingians, the crown became closely associated with Christian kingship. With Ottonian iconography, Christ himself began to be depicted with a crown (Deshman 1976: 374–7, 388–90). Kings had always worn crowns, but starting in the late eighth century, the coronation acquired a constitutive meaning, and coronations were reiterated through *coronamenta*. These crown-wearings could be occasions for hierarchical display. In his highly imaginative *Gesta Karoli*, Notker of St Gall told his audience how Louis the Pious distributed gifts 'to each and every one who served in the palace or was a member of the royal household'. Their quality varied in proportion with the recipient's status; thus sword-belts, associated with honour and office since Late Antiquity, went to 'the more noble' (Notker, *Gesta Karoli* 2.21: 91–2). According to Thietmar of Merseburg, the king walked in procession from one church to another, or from his palace to a church, surrounded by clergy, and preceded by censers and saints' relics. There he heard divine service. While the procession into the church was fully clerical, the return procession also included the lay aristocracy – dukes and counts (Thietmar, *Chronicon*: 2.30: 76 (on Otto I), but not specifically mentioning a crown-wearing). It may be that, as in neighbouring West Francia, these magnates carried tapers before the king (cf. Thietmar, *Chron.*: 76, and Eudes de St Maur, *Vie de Boucard* 11: 29). Several sources indicate that, by custom, the Carolingian ruler bore full regalian ornaments on the occasion of church festivals (especially the great three, Christmas, Easter, and Pentecost) and only then. And even then, restraint in pomp was strongly advised (Thegan, *Gesta Hludowici*

19: 202–4). The rule obtained in Byzantium as well, justified by a legend: an angel had given Constantine I the imperial regalia, with the provision that they could be worn only on the high feast days of the Church, and otherwise kept in Hagia Sophia (Constantine VII, *De Administrando imperio* 13: 66–7). Self-restraint in ornaments had been an attribute of the good ruler since Antiquity. Consequently, critics could brand a ruler as tyrannical by reporting (or imagining) transgressions of this customary norm – ‘bad rituals’ in which a prince dressed up excessively. Misguided pomp also provided material for stereotypical scenes of wise priestly advice to excess-prone lay rulers – a way to underline the superiority of the saint at the expense of another figure of power (Alföldi 1955: 33; Alföldi 1970: 8, 10–11; Tinnfeld 1971: 162; cf. *Annales Fuldenses* ad an. 876: 86). For instance, Milo Crispin’s *Life of Lanfranc* recycled the story of Herod Agrippa’s death, based on the *Acts of the Apostles* and on Flavius Josephus’ *Antiquities*, in favour of the holy archbishop of Canterbury. The Late Antique sources had recounted how, owing to an arrogant display of regal splendour, which had provoked acclamations (*voces*) reserved ‘to a god and not to a human being’, the Jewish hierarch had been struck by the Lord and died ‘eaten by worms’ (cf. also the same episode transmitted from Josephus by Freculph of Lisieux, *Chronicon* 2.1.14, PL 106, 1129–30, and Haymo, *Historiae sacrae epitoma* 2.18, PL 118, 828). In Milo’s version, during the banquet following a crown-wearing, a jester had praised King William I’s splendid vestments with a sycophantic acclamation (*voce*) – ‘Behold, I see a god!’ – prompting Lanfranc to demand of the king that he forbid such adulation. The narrative, then, did not (as has been suggested) point to the political relationship between the ruler and his aristocracy, and encapsulate the Normans’ tense unease with a duke who was now also a king with autocratic leanings, but simply to the relative wisdom of archbishop and king, the former the *Vita*’s hero, the latter a worthy straw-man (Milo, *Vita Lanfranci* 13.33, PL 150, 53–4; cf. Nelson 1986: 400–1; Koziol 1992: 290–1; Koziol 1995: 137, 145).⁵

Genetics similar to those of the coronation apply to royal anointing, a liturgical form related to post-baptismal unction. According to received wisdom, it was introduced to parallel the new Carolingian rulers with the anointed kings of the Old Testament; the usurpers badly needed some kind of aura to offset the blood-charisma of the Merovingians (Kern 1954: 66; Schramm 1954: 127; Affeldt 1980; but cf. Enright 1985: 120–3, 137). But the anointing may also have served a plurality of further purposes: to mark off Pippin’s narrow family (as opposed to his Arnulfing relatives) as throne-worthy (Kern 1954: 77–9; cf. *Clausula de unctione Pippini*, and Stoclet 1980; also Ewig 1982: 46–7); when applied to a queen, to secure the fertility of the dynasty (and possibly hint at the spiritual fertility of kings) (Kantorowicz 1965; Alibert 1998: 28–32); to signal (in conformity with early medieval exegesis and the meaning then attached to baptism) the unity of the Franks with a king at its centre (Angenendt 1982; Nelson 1987: 146–7, 153; cf. (possibly inauthentic) Gregory the Great, *In primum librum Regum expositiones* 6.95, in *1 Reg.* 16.13: 603).

Speculation regarding the exact intentions of the impresarios of the first Carolingian anointings and coronations, however intelligent and informed, remains speculation. The far from loquacious eighth-century texts which report coronations or anointings do not state *expressis verbis* anything resembling these hypotheses. Nor, for that matter, any other. One thing is, however, clear, given the survival, in a number of ninth-century cases, of a plurality of sources depicting the same ritual

event: a ritual was often the object of a struggle for interpretation, a struggle whose details, in turn, inform us on the burning issues of the day. Thus it is not quite right to say that skeptics who underline the problematic nature of early medieval textual evidence deny the importance that medieval contemporaries attributed to so-called 'ritual': "Rituals . . . are a complicated point of entry into early medieval political culture precisely because of the importance this culture attached to solemnities. They were too momentous for their depictions *not* to be highly crafted" (Buc 2001: 9, 76–7, 245, 251, 25).

An example: the author of the Chronicle of Moissac interrupted his writing in 818 or 819, leaving behind a narrative unadulterated by the knowledge of the crisis which struck Louis the Pious' realm in the 820s and 830s, but influenced by already existing controversies on the role of the pope in emperor-making (Kern 1954: 90–2; Ganshof 1949: 23–6; Folz 1964: 169–208; de Jong 2009). Attested to by the plural narratives of Charlemagne's 800 accession to the imperial office, as well as by the variant versions of the first meeting between a pope and a Carolingian, in 754 at Ponthion (Buc 2005a; see McKitterick 2008: 71), the divergences between the Frankish and Roman understandings play themselves out in the Moissac Chronicle for the years 813, 816, and 817. Whereas the accounts of the 813 and 817 elevations of the ruler's son to co-emperorship are highly detailed, with rich biblical references to Old Testament (and especially Davidic) monarchy, the 816 visit of Pope Stephen to Rheims receives much sparser treatment (Buc 2000). For the Moissac Chronicler, then, the act constitutive of emperorship is not the papal benediction but the paternal transmission of power on the model of David to Salomon, not Stephen's gift of a crown to Louis but the imperial father's transmission of the empire 'through a crown' (likewise downplaying the papal visit, *Annales Sithienses* (St-Amand) ad an. 816: 37, written by 823; cf. slightly later *Annales regni Francorum* ad an. 813, 816, 817: 138, 144, 146). And in fact this was the meaning of the 817 ceremony for the document closest to the event, the famous *Ordinatio imperii* (prologue: 270–1). As Mariëlle Hageman has argued, it was only after the inception of the civil wars opposing Louis and his sons that the emperor's panegyrists – Ermold, the Astronomer, and Thegan – developed the 816 visit and emphasized its rituality in an attempt to strengthen Louis' position (Hageman 1997; cf. Flodoard, *Historia Remensis Ecclesiae* 2.19: 175–83). But half a generation before, the Moissac Chronicle had squarely placed sacrality – if by this term we understand references to Sacred History – in a solemnity led by the emperor, and in which the priesthood merely acquiesced alongside the lay aristocracy. In 818, it was still possible to write up the central solemnities of emperorship without granting authority to the Papacy or the episcopate. Charlemagne played David, and Louis Solomon. By the time of Thegan and Ermold, the Davidic accents had been displaced to the 816 papal visit, and Zadok the priest granted a role he lacked in the *Book of Kings* (Ermold, *Poème*, ll. 918–20: 72; Thegan, *Gesta Hluodwici* cc. 16–7: 196; cf. Buc 2000).

Why are sources emanating from Saxon Germany so rich in royal rituals? In analysing the narratives recounting Henry I's accession produced under his son, Johannes Fried has spoken of *ritualgeleitete Vergangenheitskonstruktion* (a ritual-led reconstruction of the past) – the Ottonian writers projected into the past their own issues and crystallized them around imagined rituals (Fried 1995: 311). Widukind and Liudprand wrote for aristocratic circles close to the Saxon dynasty, when not for

the Liudolfings themselves. Widukind punctuated Saxon history with the solemnities of royal funerals and accessions, implicitly putting them on a par with the ‘origins of the tribe’ which open his work (Widukind, *Rerum gestarum Saxonicarum* 1. 2, 1.51, 2.1–2, 2.41, 3.1, 3.35–6. See Warner 1995; Althoff 1997e: 190–9; Althoff 1997f; Görich 1997: esp. 142–61). In this sense, tribal history and Liudolfing dynastic history became one – not an evident thesis in the light of Saxon opposition to a strengthened Ottonian rule. As for Liudprand, he intended to convince his audience of the legitimacy of Otto I’s direct rule over Italy, against both Italian princes’ and Byzantine emperors’ own claims, as well as against the German aristocracy’s recent negotiation on Berengar II’s behalf of a real, if subordinate, kingship over the peninsula. To serve this argument, the *Antapodosis* mustered stories about rituals – solemnities manipulated by Otto’s rivals, but sanctifying when they pertained to the German dynasty (Buc 1995; Buc 1996). Tenth-century historiography from outside Germany proper, however, allows the historian to make bets on what may actually have happened between 918 and 973 and what was cultural imagination (Buc 2004). Other sources contain rituals involving royalty for reasons less concerned with high power-politics, and were produced at a great distance in time from the events they purport to recount. Ekkehard IV’s *Casus sancti Galli* and Arnold of St Emmeram in Regensburg’s *Miracles of the blessed Emmeram* come to mind. Like the Aquitanian foundation legends so well studied by Amy Remensnyder, these texts stage past kings in relation to the monastery, in order both to heighten the institution’s prestige by tying it to royal patrons or by showing its superiority even *vis-à-vis* monarchs, and to defend or advance claims to specific rights and properties (Remensnyder 1996a; Remensnyder 1996b). Descriptions of rituals anchor the argument; when they are ‘good rituals’ they emphasize the fraternity between monks and kings, especially through shared meals in the honour of the saints (*caritates*) (Ekkehard IV, *Casus Sancti Galli* 7, 16, 38: 28, 44, 86; Arnold, *De miraculis beati Emmerammi* 1.17: 552; see Geary 1995: 165, 168–75). But the paraliturgical eating and drinking also designates monastic property – either a domain given by the king and earmarked specifically for the *caritates* or the land from whose produce the banquet is provided (both can stand metonymically for the abbey’s whole endowment) (Buc 1997: 111–13; cf. *Cartulaire de Beaulieu* (en Limousin) +166: 232). In these monastic texts as well, the king may participate in the liturgy, more passively as the recipient of ‘freshly dictated *laudes*’ sung to welcome his arrival, more actively (like Chilperic the composer of hymns and contemporary Byzantine emperors who preached homilies) as an author of antiphonaries (Ekkehard, *Casus* 14: 40; 46: 104; cf. for Byzantium, Grosdidier de Matons 1973: 181–206). We find this clerical strategy – to solemnize claims through princely rites – in miniature with a forged diploma of Pippin King of Aquitaine. Its heavy narrative component provides one of the nicest examples of royal entries into a monastery:

[The monks] beseeched that we [Pippin] should not in any way desist from our advent [to St Maixent]. Thus, rendering thanks to God Almighty, at the third hour on the Sunday before the Lord’s Easter [Palm Sunday], they performed an *occursus* (welcoming ritual) and received us with crosses and tapers, as is customary for kings (*regio more*), but in silence, without the ringing of bells and the usual chants. And they led us to pray to the tombs of the aforesaid saints.

After we had returned from this church, we washed our body as befits a man (*humano more*) and dressed up in a regal way (*regio nutu* – read *regio cultu*?). When the hour came, we waited with the greatest devotion in the church, and then we rose up in the night for this office in order to complete it as religiously as we could (. . .)

(*Recueil des chartes de Pépin I*: 262)

But this wonderful text is here to ground St Maixent's claims. For when Pippin leaves the church after Easter mass, he finds prostrate monks. These supplicants recount the abbey's woes, and obtain from the king's piety a diploma. Read aloud during the following mass and placed on the saint's shrine, it guarantees St Maixent's rights to free abbatial election, immunity from public officials, their jurisdiction and requisitions, as well as free transit without tolls and full judicial authority over one of the abbey's markets.

All this was not merely 'phantoms of remembrance', however. St Gall, for instance, boasted a rich collection of hymns composed, between the ninth and the eleventh century, to receive actual kings (Bulst 1941; Willmes 1976). Yet while these texts document the efforts of the monastery to honour visiting rulers, the actual details of the royal stays remain clouded in 'imaginative memory'.

How exclusively 'royal' were royal rituals? The question has been broached by Janet Nelson, who rightly insists that under the Carolingians at least some rituals foregrounded the community of the Frankish leadership and its God-willed consensus. Ritual was 'hierarchical' in the full sense of the term – underlining the delegation of, and sharing in authority, between ruler and leading group. In Byzantium as in the West, acclamations to officials involved acclamations to the monarch, and vice versa (Treitinger 1938 (1956): 71; Kantorowicz 1946). Under the Capetians, after the king had elevated himself above the aristocracy, the participation of the peers in the coronation still maintained the notion of a sharing in royal power (Schramm 1960 (i): 163–76). In his groundbreaking *Begging Pardon and Favor*, Geoffrey Koziol has sought to prove the progressive diffusion in West Francia, paralleling (where and when it happened) the devolution of political authority, of



Figure 13.2 An assembly of bishops, from The Utrecht Psalter. Universiteitsbibliotheek, Utrecht, MS. 32, fo. 90v.

rituals of subordination, specifically those staged when the grant of a charter was demanded: the party demanding a favour will recognize the grantor's authority through stereotypical gestures of self-humiliation, supplication or prostration (cf. for the Carolingian period, Ermold, *Ad Pippinum Regem*, ll. 53–64: 206). Once the exclusive preserve of kings and bishops,⁶ the privilege of being the target of such a 'ritual' spread (in certain zones) to lesser strata of the lay aristocracy. In the Loire valley, in particular, by the eleventh and early twelfth century, all levels, including the 'new' *milites*, simultaneously supplicated and received supplications – admittedly not the full prostration once monopolized by kings (Koziol 1992: 241–67). But here again the sources – both in the ideal interests they express and in the early medieval models which structure them as literary artifacts – are more subtle than the anthropological theories the historian employs to read them (at least as he or she employs them). Do charters document actual prostrations or the fictions of their redactors? Are these fictions penned by the monastic recipients or by notaries in the pay of the donor? Finally, what kind of gestures of respect are actually documented or fictionalized through expressions such as *supplex* or *humiliter*? We should not lump together a series of gestures that ninth-century monastic authors, in particular commentators on the *Rule of St Benedict*, differentiated, and attributed as marks of respect specific to different status groups. Both Hildemar of Corbie (d. c.850) and Smaragdus legislated on the reception of visitors to the monastery. For the former, the monks were to greet only kings, bishops, and abbots with prostration on the ground; for lesser visitors, 'counts, priests, monks and others' to bow one's head in salutation was enough.⁷ For Smaragdus, writing perhaps shortly after 816, it seems that the first category comprised 'kings, bishops, or any powerful person belonging to the summits of rule' – possibly a wider ensemble than Hildemar's (Smaragdus, *Expositio in Regulam Benedicti* 53: 280–1; cf. Willmes 1976: 61–5). Already in the first half of the ninth century, then, different monasteries may have had different understandings as to which public figures were owed prostration, and took care to honour lesser nobility as well. Not all clerics found prostration before the king palatable: some even felt it was tantamount to idolatry. Andrew of Bergamo, writing some time after 877, could thus recall or imagine that Archbishop Angilbert of Milan had refused to fall at the Emperor Lothar's feet. Angilbert had merely 'bowed his head and uttered words of salutation, owing to the honour and reverence of the churches' he represented. When Lothar rebuked him, suggesting that he was deluded to think that he was St Ambrose himself, the archbishop retorted, 'Neither are you the Lord God Himself' (Andrew of Bergamo, *Historia* 7: 225).⁸ Reformist circles would echo this distaste. A charter of 927/50 granting immunity to Sauxillanges made Christ in his *maiestas* the minster's one and only Lord (in implicit contrast to the Charles the Simple, whom the unfaithful Franks had stripped of his royal *honour*), 'so that they would live, be governed, and secured under the protection of His name. . . .' Correspondingly, this Lord alone would receive the highest marks of honour: ' . . . and the clerics there established will bend the knee to Him alone, adore [only] Him, and invoke Him as their sole ruler (*rector*)'. Far from being a symptom in a 'ritual' of the devolution of power, then, the putative spread of lesser marks of honour may have been in fact the product of a reformist desire to deny greater lords authority and its signs, a denial which, by contrast, highlighted the

less extravagant marks of respect that the *Rule* had granted to all laymen (Duke Aelfred's charter for Sauxillanges (927), in *Recueil Cluny* no. 286: i: 283, 286–7; Buc 1998). In other words, in this case as well, the correlation between 'ritual' and 'social change' appears far from obvious, since we may be dealing here simply with the ideological reflexes, in text, of a number of ecclesiastical communities (cf. Koziol 1992: 237–8, 267; and for a preferable view, Barthélemy 1995: 18–9, 35; Barthélemy 1993: 17–128).⁹

Even if we were to trust that medieval narratives convey solemnities *wie eigentlich gewesen*, we should realize, first, that rituals' effectiveness may not always lie in some 'magical' pull (Pössel 2009), and second, that the assumption that they strengthened social order is open to debate. Some solemnities functioned as a direct consequence of their relation to legal norms and not necessarily owing to their inscription in a liturgical frame of reference. Gerd Althoff has unearthed for tenth- and eleventh-century Germany a fairly fixed scenario for the surrender (*deditio*) of rebels to the king. Coerced through a campaign of often limited but highly demonstrative violence, and after secret negotiations handled through intermediaries, the rebel would throw himself at the king's feet or otherwise humble himself publicly. The ruler would – equally solemnly – receive him back into grace, as a general rule after only a short period of honourable imprisonment, and almost always with a full restitution of confiscated property. Althoff believes that when well negotiated, these rituals generally allowed all parties to the conflict to save face and their honour; *deditio*, then, contributed to the equilibrium of an Ottonian polity where the king, while powerful, could not elevate himself too far above the aristocracy (Althoff 1997b; Althoff 1997c). According to the same author, the first testimony to this 'ritual' in its full form would be the surrender of Lothar, Hugh and Matfrid before Louis the Pious in 834 (Althoff 1997c: 116–21; but cf. Gregory of Tours, *Libri Historiarum* 5.38: 245, and 6.32: 302–4). Here comparison between genres is fruitful, for a Carolingian capitulary explains one of the legal consequences of a *deditio*. In offering to reconsider confiscations of property effected by Pippin the Short (d. 768) after his capture of fortresses, Louis the Pious proposed to distinguish between those men 'who had resisted as long as they could and came against their will into the power of our grandfather', and those who 'while their associates resisted with pertinacity, and even though the fortress may have been taken by force (*per vim*), gave themselves up (*se dediderunt*)'. Property forfeited by men in the former category would remain the property of the royal fisc; but those who (like Lothar's cohorts in 834) had performed a *deditio* were spared confiscation (MGH Capit. I: 296). Public and manifest surrender, then, could help a claim to the full retention of property which might, otherwise, have been completely lost to one's triumphant lord.

Other practices, far from fostering peace, were meant to publicize strife. Insults and blows belonged to the repertory of stereotypical actions with a public import. Councils, supposedly havens of peace, should have been devoid of what we can identify as violence. But, to quote Heinrich Fichtenau, order and disorder are partisan concepts. 'Angered and burning with zeal, . . . all' the participants of the Roman council of 769 ceremonially slapped the papal usurper Constantine, and threw him out of the church (*Vita Stephani III* c. 19, *Liber Pontificalis* 1: 475; MGH Concilia II: 79). There existed set signs of hostility. John VIII assured

empress Angilberga that he would retaliate in kind against Charles the Bald, who had maltreated his envoys:

Whosoever comes as an envoy from Charles, the church will not be opened to him, nor communion be given to him, nor a kiss offered to him, nor any seat be prepared for him as is customary (*iuxta morem*). And according to the apostolic precept, let 'Ave' ('Greetings!') not be said to him [cf. 2 John 1.10]. Nevertheless, we shall receive him and hear him, and if he bears a letter, let him come in (the church?), but then he shall be handed a document containing admonitions and rebukes.

(*Fragmentum Registri Iohannis VIII* 47 (874–early 875),
MGH Epp. VII: 302; cf. White 1998)

Generally speaking, early medieval men and women were quite ready to stage a row using the oppositional vocabulary bequeathed by hagiography (a rich repertory of bad emperors browbeaten by the saints) (Buc 1997a) or employing the elements of established political rituals (Althoff 1982; cf. Leyser 1994(i): 199). But it is not simply these contentious practices which call into doubt the socially stabilizing function attributed generically to 'ritual'. One may grant that failed rituals may indeed 'make visible not only . . . rules and conventions, but as well the socio-cultural order and structures of power' (Martschukat and Patzold 2003: 4–5). But to make visible does not entail to strengthen. All 'performances' of gender may (if we care to follow Judith Butler 1990: 23) recreate gender difference, but this doxa cannot be transferred to the realms of politics and religion, which are openly and by nature contentious (whereas the dynamics of gender performance are obfuscated as taking place in a 'natural' realm). Even the great 'theophanic' solemnities with their references to heavenly order could be read *mala parte* and mistrusted. Many historians attribute to political rituals the function of maintaining social groups, from the kindred to society. Rituals can perform this role, however, only if their being manipulated constitutes a rare exception rather than a frequent fact (or fear), and only if the participants are, to a great degree, sincere. The underpinning sociology sees in the Middle Ages a culture which did not differentiate between the public and private spheres, a model put forward by, among others, Jürgen Habermas in the 1960s, but related to the pre-war Neo-Catholic 'political theology' of the jurist Carl Schmitt and the historical sociology of the medievalist Otto Brunner (Habermas 1962: 58ff with references to Schmitt and Brunner). It also assumes that the fracture in human beings between interior feelings and outward demeanour – a key characteristic of modernity and the precondition of the hypocrisy attributed to the world of Castiglione's *Courtier* – hadn't yet appeared (Althoff 1997d, criticizing J. Huizinga and N. Elias; cf. Koziol 1992: 291; and Klaniczay below). Thus Arno Borst: 'There exists no gap between the form and the intention of ceremonial behaviour; everyone means what he does, and whoever does not want to do keeps away. Thus ceremony is the foundation of community' (Borst 1973: 474–88, at 485; Fichtenau 1984, i: 76; Buc 2001). Here medieval agents resemble the anthropologists' primitives.¹⁰ Anthropology's primitive political being ignores the modern chasm between a private self categorized as 'individual' and a public self categorized as 'social' because he is so totally embraced in the collective that he constitutes a collective in miniature (Augé 1992:

64–5). Or, to relate this social scientific equation to a famous historiographical distinction (Kantorowicz 1957), the king is almost wholly absorbed by the one of his two bodies which represents society and the public good.

Yet medieval texts are far from ignoring hypocrisy. They often highlight it to darken a figure or make a narrative more dramatic, as a few examples will show (Buc 1996). In his *Life of Wenzel* (Venceslav) of Bohemia, written c.968/78, Gumpold of Mantua recounts the assassination of the saintly duke (935). His brother Boleslav organizes a banquet to which he convokes his allies ‘under a mask of cheerfulness’ (*sub hylaritatis specie*), then goes to Wenzel’s palace and supplicates him to be his guest. *Supplex ingressus palatium . . . corrogavit . . .* – the formula would denote for Koziol a ‘theophanic’ prostration and petition before the ruler, which simultaneously recognizes the world-order in which the duke is an icon of the cosmic king. But here, as when he takes his brother by the hand to lead him into the hall, Boleslav, *infelix ille fraudis amicus*, intends to deceive, and the story ends with the duke’s martyrdom (Gumpold, *Vita Venceslavi* c. 18: 219). Medieval authors play with the potential for deception inherent in all the forms which twentieth-century historiography has identified as political rituals. In Widukind’s *Deeds of the Saxons*, a nobleman named Agina ‘comes into the presence of the king (Otto I), and salutes him with humble words’, announcing the ‘advent’ of the German ruler’s brother, Henry. But the *adventus* is a hostile one, for Henry, in rebellion, is coming to meet his royal brother at the head of an army, battle-flags unfurled (Widukind, *Rerum gestarum Saxonicarum* 2.17: 81–2). Such stories of manipulated rituals do serve to dramatize the narrative. But this role is no reason to dismiss them, for why should transgression on the one hand belong to the category of the dramatic ornament, and consensual rituals on the other to the hard substance of politics?

The student of medieval political culture deals with a Christian universe whose myth of origins recounts the fateful betrayal of God, woman and man by the ambitious prince of darkness, Satan. In the ‘theatre state’ of Bali dear to Clifford Geertz (1980), there may have existed a seamless correspondence between heavenly exemplar and earthly rulership. In the medieval West, satanic deceit perturbed smooth exemplarity.

Deceit, angelic as well as human, was on the minds of thinkers great and small. There is a long Christian tradition of comment on hypocrisy and tricks, starting with Tertullian c.200 CE, presenting the Roman elites’ performance of the imperial cult as a ‘consecration’ of ‘an exemplar and an icon of their own hope (to rule)’ (Tertullian, *Apologeticum* 35.10–12: 76–7; Buc 2001: 238–45). ‘Iconic kingship’ à la Geertz and the so-called performative discourse of ritual reverence could be perceived as manipulative hypocrisy.

The above remarks can be met with a set retort: any manipulation does not call in question the greater framework of ritual; thus, in the last analysis, ritual maintains order or belief in order. But the refutation of the refutation refutes only so far. Granted, just as stories of specific false saints do not invalidate belief in the existence of saints in general, the widespread presence of manipulated rituals in medieval sources might go hand in hand with unwavering belief in the order that rituals generically pointed to. Still, like so many ‘in the last analysis’ propositions, this one elides too easily the anxiety which must have attended many a solemnity, and even all of them. Whatever ‘political ritual’ may be, in a Christian political culture, it meant danger as much as communication, perversion as much as exemplarity.

The documentary situation changes with the High (and Late) Middle Ages. There, with the right combination of sources – when such sources exist – one can confidently posit the presence of a ‘ritual’ and even measure it. Marc Bloch’s book on the healing touch (1924) had a clinching argument for the popular success of the “royal miracle” under Louis IX of France – the accounts of charitable gifts to those pilgrims who came to be cured by the king. They came in their hundreds. Placed next to narrative sources, these financial tallies anchor confidence in a historical fact. When such accounts exist year after year, one can further posit that the practices that they financed were routine, and, likely, not disturbed year after year by discontent. Lars Kjær has combined gift-registers with narratives and manuals of good behaviour to show the importance of gift-giving, and gift-redistributing, as an ideal, and as an ideal in action, at the court of Henry III Plantagenet (Kjær 2011). In combination, accounts also show the practical tensions between ideals of generosity, politicking in a precisely located instant, and finances’ limits (plus the contrary ideal of responsible budgeting). Gift-giving was real and intense, but we still cannot know unless we believe in “the gift” that this ‘ritual’ worked, and how it worked.

Did the dynamics between ‘writing’ and ‘symbolic communication’ also change? It is clear that the resurgence of literacy and of written law did not lead to a decline in ritualism, nor even to a trend towards disambiguation of the meaning of rituals, perhaps to the contrary (Rexroth 2013: 86–82, with further bibliography). This, in turn, confirms how problematic the correlation between ritual and orality (discussed above) posited by an earlier historiography was, and subverts the binary opposing prescriptive (written law) to performative (symbolic communication).

NOTES

- 1 My thanks for discussions on the topic and/or the examples here employed to Dominique Alibert, Dominique Barthélemy, Patrick Geary, Igor Gorevich, Olivier Guillot, Dominique Iogna-Prat, Mayke de Jong, Kathryn Miller, Barbara Rosenwein, and Stephen D. White. Special thanks to Gerd Althoff for attempting to mediate in conflicts with fellow historians, as well as to the Netherlands Institute for Advanced Studies, under whose generous auspices the first version of this chapter was conceived and written. A number of the theoretical issues alluded to here (especially medievalists’ problematic recourse to social science models) are developed in my *The Dangers of Ritual* (Princeton: 2001). See the exchange between Geoffrey Koziol, ‘The dangers of polemic: Is ritual still an interesting topic of historical study?’ *Early Medieval Europe*, 11 (2002), 367–88, and Buc, ‘The monster and the critics: a ritual reply’, *Early Medieval Europe*, 15 (2007), 441–52. The best primer on the theories is currently B. Stollberg-Rilinger, *Rituale* (Frankfurt-am-Main: Campus Verlag, 2013). It however hardly arbitrates between them.
- 2 For later medieval banquets, see Olivier de la Marche’s attempt to underline the parallels between the Duke of Burgundy’s meals and the Eucharist, ‘L’estat de la maison du Duc Charles de Bourgoingne’, in *Mémoires*, ed. Henri Beaune, vol. 4, Paris, 1888, pp. 1–94 at pp. 20 and 31. Steve White (personal discussion) suggests that the vertical dimension in a number of public acts could be established through oath-swearing.
- 3 In Ambrosius Autpertus, specifically, the Lord judges the whole Church, but so do the twenty-four elders (*seniores*) who represent the ‘whole body of rulers (*praepositi*)’ and judge each subjected people. Simultaneously, both the Lord and the *seniores* represent, generically, the Church in its totality. The plurality of figures in the ‘throne scenes’ mustered in these chapters allow the ‘various powers of a single body of offices’ to be signified.
- 4 A history of crown-wearings and coronations, however, calls for a minimalist analysis taking into account only strictly contemporary sources, for, as Fried 1995 has shown for Henry I of Saxony’s accession, authors are only too ready to read into the past ritual forms existing in their own era.

- 5 Koziol treats this scene as a symptom of the Norman aristocracy's unease with its duke having become king.
- 6 Monopolized, but in which domain: practice or diplomatic documents? For the eighth century, Koziol 1992: 33 sees a political culture in which all lords can be begged through gestures of humiliation but where these gestures appear in charters only for the topmost level [confirmed by Caesarius of Arles, *Sermo* 77.3: 320]. If the practice of prostration or supplication could exist without leaving traces in the prime sources used by the historian, the equivalence Koziol posits between documents and ritual (and especially the ritual's distribution in time and space) is cast into doubt.
- 7 Hildemar, *Expositio in Regulam Benedicti* 53, ed. Martène, p. 677: 'Aliter salutare debemus reges et episcopos et abbates, et aliter alios. Reges etiam et episcopos et abbates prostrati in terra debemus salutare propter exemplum Nathan prophetae, qui prostratus salutavit David regem [cf. III Reg. 1. 23]. Reginam vero cum videt monachus, non debet monachus prostratus salutare, sed unum genu in terram ponere, aut humiliari debet capite suo. Abbatem vero nostrum, si rarius videmus, in terra salutare debemus. Ceteros tamen, id est comites, presbyteros, monachos et reliquos inclinatio capite salutare debemus.' The description of the queen's intermediate treatment shows, against Koziol, that the term *humiliter* met in charters may not always mean 'prostrate to the ground' (*humus*) but more generically 'humbly' (as here, bowing one's head).
- 8 Later in the story (*Historia*: 225–6) the Emperor Louis the Pious himself, bested in debate, 'put his hand on the ground and asked mercy' (*imperator vero manum in terra ponens, veniam petivit*) – perhaps a gesture of prostration which Andrew thought the ruler owed an archbishop?
- 9 The 'simplification' of rituals of submission in the eleventh and twelfth centuries may be owed to new (or revived) formulaic conventions as well as to the rewriting of original charters for their inclusion in cartularies. What is, in Koziol's analysis, a finely tuned correlation between the geography of power and that of rituals may be nothing more, then, than the idiosyncratic self-consistency of individual monastic scriptoria producing or reworking charters for the geographical areas in which the monasteries held rights and properties. The test is whether one finds the greater degree of consistency within individual areas (regardless of the scriptoria drawing up the charters for the grantors) or within individual scriptoria (regardless of the geographical origins of the grantors). For example, in the first half of the eleventh century the Cartulary of St Père de Chartres uses the same sober formula (*per deprecationem, deprecatione, deprecans*) for documents whose official grantors come from regions Koziol identifies as farther along the road of decentralization. What causes what?
- 10 Cf. Asad 1993, who despite his post-colonial bent swallows whole the Renaissance scholars' belief in the invention of interiority – and hypocrisy – in the early modern era. The other alternative, illustrated by White 1995, is to assimilate these agents to Pierre Bourdieu's simultaneously wily and alienated Frenchmen – a sophisticated Marxist approach, but ultimately too close to the rational choice theory of modern liberalism to take full account of medieval beliefs.

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CHAPTER FOURTEEN

MODERN MYTHOLOGIES OF MEDIEVAL CHIVALRY



Dominique Barthélemy

Our history-books tell the reassuring and happy story of civilisation's progress in the twelfth century. That period saw the rough habits of a warrior class becoming gentler and more courtly: if they still resorted to fighting, they did so for causes that were just, in crusades or in royal service, or as a game or sport in tournaments. They became knights, that is, members of an 'order', and they entered this through the ritual of dubbing which was at once a great celebration and almost a sacrament. Plenty of noble families still pride themselves on being descended from these people. And even a bourgeoisie as confident and proud of itself as that of the nineteenth century liked to say that it had recovered the model conduct of the chivalrous society that had come before it. Even today, western man yearns to have the courage of the knight, while western woman dreams of the knight as an ideal lover! And the ideal *chevalier* is of course a Frenchman by definition.

All that is fine – but it has little to do with the medieval world. These dreams and myths can even become a barrier to understanding the social classes and collective behaviour of the past. They have actually invented features of twelfth-century history that never existed: for instance, the social ascent of warriors of humble origin, the belated Christianisation by the Church of noble values, and for those nobles a rapid training-course in good conduct. And these dreams and myths have another drawback: they make us lump together under the single term 'kighthood' everything that constituted the noble class of the twelfth century, or at least everything it could pride itself on. But the difficulty is that it never had a single model of conduct: tournaments were disapproved of by the Church, crusading was no game, and when men defended their honour and their class-interests, they didn't always succeed in bringing about the rule of justice!

At the risk of pitting themselves against some of those dreamers of both sexes, medieval historians have to demystify 'chivalry'. First of all, they must demystify its medieval form. True, the word 'chivalry' does appear in thirteenth-century texts to denote the conduct of those who have been dubbed knights. Some authors of that period conceive the *ordene de chevalerie* on the model of the priesthood, as a rank and a function conferred on individuals in the hope that they would keep as closely

as possible to an ideal of justice and piety. Otherwise, such texts may use the phrase ‘perform deeds of chivalry’ (*faire chevaleries*) for the activities undertaken at tournaments and in noble battles. Mind you, these authors do not imply by this expression a code that was very explicit, or clearly defined or coherent. Instead, they used the word ‘chivalry’ to translate various underlying moral norms which till then had remained unarticulated, but they didn’t take sufficient account of the fact that these norms sometimes contradicted each other, and that in the end you had a pious chivalry and a worldly chivalry, a bold and heedless chivalry and a judicious chivalry, an aesthetic chivalry and an ethical one, a chivalry that could not be tamed, and one that had indeed been tamed by Church or by State.

Many modern historians, instead of highlighting these contradictions, and making them the subject of their writing and thinking, have stuck with the idea of some kind of coherence. They’ve examined what medieval knighthood was, when and how it took shape, adjusting the sources to their own concerns and especially to their own vision of a progressive civilising of behaviour. For the most part, they have chosen literary sources: the *Tales of the Round Table* and the songs of the troubadours have been alleged to reflect the conduct of the nobility of the twelfth and thirteenth centuries; and in still later periods, court poetry and the new romances have been taken as evidence of innovations or of traditions of actual chivalric life. A whole historiography, mostly following in the footsteps of Don Quixote, has muddled dream and reality, in France, in anglophone countries, in Germany, from the eighteenth century onwards. The same thread links Sidney Painter (USA, 1940) to Léon Gautier (France, 1884) and through him to an entire old school of thought which in the years around 1830 canonised the views of Lacurne de Sainte-Palaye (1749). Of course, historians have never wholly neglected the nuances, nor wholly failed to confront dreams with realities. But measuring the size of the gap is something historians have only begun to attempt in the past half-century or so. Even now, they haven’t always got free of the old paradigms that still litter the medieval history textbooks.

All too often, for instance, a historical origin is ascribed to ‘chivalry’, meaning by that, a military technique, a social class, and a set of values. It’s certainly true that there were some developments in medieval technology: spurs appeared sometime in the eighth century; stone keeps became common atop mottes around the year 1000; there was a new tactic towards the end of the eleventh century, with the use of the couched lance by cavalry charging *en masse*. But all these innovations are hard either to date precisely or to set in any clear historical context. Above all, there is nothing to show that any of these ‘revolutions’ suddenly gave a new importance to warfare, or to a group of men, still less had a huge impact on a system of values. Military equipment, and the splendour of display weapons, evolved in various ways and in various stages: every time, it was the already established aristocracy that owned these things, and carefully controlled their distribution.

We can distinguish three sorts of historiographical myth, all of them created from medieval sources whose bias, legendary and ideological character, and even deliberate falsehoods, have not been sufficiently taken into account. There are myths of social ascent; myths about the Christianisation of war; myths of the civilising of social conduct. I want now to discuss each of these in turn.

MYTHOLOGIES OF SOCIAL ASCENT

Modern historians are happy to believe in a 'feudal nobility' born of the social ascent of knights through their military action, and military service. The myth takes several forms. There are stories of individuals who rose in the social scale, often accepted in the nineteenth century on the basis of family legends. Today, such tales are rightly criticised, yet historians continue to imagine a collective ascent of a sub-class, at first inferior to the nobility, then becoming part of it and mixing its values with 'noble' ones. Take for instance the French knights at the time of the alleged 'feudal mutation', or the German *ministeriales* around 1200. Are today's historical constructs any less mythical than yesterday's?

From the tenth century onwards, imaginations were excited by the exploits of the brave little soldier of humble origin. Richer of Rheims, writing about the days when defence was needed against the Vikings, inserted in his *History* a real legend: that of the stableman Ingo who in the midst of a battle made himself into an impromptu standard-bearer and so won from the king the castle of Blois and the hand of the previous castellan's widow:

They talked about who should be chosen to carry the king's standard, because all the warriors in the ranks of the nobility were already wounded and so shirked the task. At that moment Ingo emerged from the troops, offering his services for this duty, and boldly declaring: 'I am only a royal groom of ordinary condition; but if this doesn't mean impugning the honour of the great men, I'll carry the king's standard amid the enemy ranks. I'm not afraid of the dangers of combat, because I know I can only die once!'

Later, in the twelfth century, a chronicler in Anjou claimed that Charles the Bald (840–77) had granted social advancement to many non-nobles, to reward their military prowess, indeed their chivalry. The example given is that of a forester from whom were descended the counts of Anjou, who became the Plantagenet kings of England. This man's son Tertullus 'abandoned his father's lands because they weren't big enough. Trusting in his own strength, he wanted to raise himself. So he left the borderlands of the West, came to France and served in chivalrous fashion in the royal retinue.'

Such texts were enough to convince French historians of the nineteenth century, still bedazzled by the soldiers of Year II (1793) and by the nobility of Napoleon's empire, that the knights of the Middle Ages had similar careers. Scholarly research has taken the poetry out of all that! It shows that the noble families of the twelfth century, or at any rate the highest of them, those for whom proper genealogies can be reconstructed, descended directly from those of the ninth century, which themselves were already ancient. The possibility that a few men did rise in the social scale can't be totally excluded, yet ancestors of high rank are in fact the only ones we can really discover in the sources.

Anyway, if you look at them closely, most family legends of the twelfth century don't actually describe social promotion. Rather, they tell of the geographical displacement of a man who was noble by birth and chivalric by deeds, or of his change

of ethnic identity. The lords of Ardres, near Calais, claimed descent from a Viking chief. The Gérés of St-Céneri descended from an ancestor 'of great nobility, both Frankish and Breton', who did great exploits in Normandy and became Norman through the fine marriage he attained in return. . . . It's the modern gaze which, rather carelessly, transforms that into social ascent.

Was social ascent then impossible in western Europe before the twelfth century? Not entirely. Otherwise, why would we have the protests of hostile and resentful traditionalists, such as Thegan, Ratherius of Verona and a number of chroniclers? But these cases of rising in society, mostly thanks to careers in the royal palace, could only have been small ascents, a notch upwards in the *Nomenklatura*, exaggerated by polemical writing. Chivalric exploits were not what drove them, either. In reality, counts were only created very exceptionally on grounds of martial valour, and they were well-born to start with. The same goes for the Norman conquests of the eleventh century in Italy and in England, and for the lordships created in the East in the wake of the First Crusade. Prowess alone, unsupported by noble birth, was not enough.

The early Middle Ages never stopped using the old Roman yardstick for the high-born: weapons and wisdom, in other words merit, and the sort of drive valued in chivalry, confirmed their blue blood. To hereditary nobility, training and youthful reputation, above all, added a magic nobility: this was chivalry, consecrated by investiture with arms, that is, by a ritual celebration of entry into the group of adult males. Thereafter, the noble and chivalrous man had to maintain its external trappings and appropriate conduct.

From the twelfth and thirteenth centuries onwards, European society started to experience some clearer cases of social advance: merchants, lawyers, administrative personnel. These were based on forms of social labour that were generally anything but chivalric. Yet the rites of chivalry were at hand to consecrate them. The French king in 1328 dubbed Ysalguier of Toulouse, a man who had become rich on property confiscated from Jews while he was a royal official. Unsurprisingly, the ancient noble and knightly families protested, and tried to take action against such new men. Sometimes, the protesters got affirmations of principle from kings and princes, and won some defensive victories. . . . But the border was never hermetically sealed. Various kinds of non-chivalrous, or half-chivalrous (with the mere title of esquire) nobility tended to get established in the late Middle Ages: in France, for instance, there was the *noblesse de robe*.

From 1250 on, chivalry was less and less a *métier* genuinely concerned with military and judicial functions, and more and more a badge of status. There was a whole chivalric code, with its towered and moated castle-houses, its increasingly elaborate dubbing ceremonies, its closely linked relationships that tended to become, under royal and princely leadership, the 'orders of chivalry'. There were as many varieties of chivalry as there are today of gentlemen's clubs (the Rotary Clubs, for instance) in every country or region.

In the late Middle Ages, when chivalry remained the supreme reference-point for elites of every kind, however diversified, it became, understandably, more and more a matter of ancestry. The important thing was to tell of one's ancestor at Hastings or on the crusades. From the fifteenth century, there were Italian *condottieri*, soldiers of fortune (the captains of Charles VII, for instance), and German *Ritter* (notably in

the Wars of Religion) whose careers could be projected back into times long past, the days of the Crusades or the Norman Conquest. Like the poet Ronsard in the sixteenth century, many people invented heroic ancestors for themselves, far enough back for verification to be impossible and for no-one to be too surprised at their rather unheroic descendants – but these descendants were polite, well-educated and civilised by time.



Figure 14.1 The knight prepares to leave on crusade. London, The British Library, MS. Royal 2A XXII, fo. 220. © The British Library, London.

The teeming of imaginary ancestors, often forged by nothing more than pure invention, nevertheless influenced the strict, critical historians of the nineteenth century. Only gradually has research established, for example, that lordly French castellans were no military adventurers or self-made men, but heirs working hard to maintain their social rank by adapting to new conditions: local power, deeply rooted and up to a point autonomous, took the place of a career at the Carolingian court. Marc Bloch acknowledged a certain timelessness and density in this 'feudal class', and the work of Karl-Ferdinand Werner on the Loire valley region and Georges Duby on the Mâconnais clinched the argument.

Duby could not resist the rising tide of a new myth in the great postwar period (1945–80) of *marxisant* historiography: the bringing together of a knightly subclass. The new narrative was of a 'mutation of the year 1000', characterised in France by the unleashing of barbaric violence, and raising up the knights (*milites*) who proceeded to terrorise the countryside under the command of the 'nobles'. Here one mythology, that of social ascent, was attached to another, that of unchecked violence, in tenth- and eleventh-century France, a time when there was no strong king. Again, the poetry of twelfth-century troubadours, in a state of permanent passionate and anxious expectation, is the expression of the social malaise of knights looked down on as a group by the 'nobility'. A careful reading of the texts was overwhelmed by theory. The discovery of the reality of social complexity, and even a rejection of the self-celebration of elites, were set aside. The theme of ancestors achieving promotion or being re-classed by knighthood was never anything but a deception designed to flatter those same elites.

MYTHOLOGIES OF CHRISTIANISATION

In the textbooks, the theme of the Christianisation of the knights is omnipresent. Like the other two themes, it covers a variety of arguments. The first is that of the baptism of the dubbing ceremony, that old sacral 'Germanic' rite that was more the stuff of nineteenth-century dreams than anything that left traces to be discovered in the medieval evidence. What can we really see of the 'purely Germanic' in the early Middle Ages? The etymology of the word 'dub' (*dubban* in Old High German) is entirely open to debate. The word itself is not as common as *chevalerie*, or the expression *entrée en chevalerie* (knighting), and it signifies 'arming a man as a knight', or 'investing as a knight' rather than striking with a symbolic cuff. This cuff is what modern historians have been so struck by! It is recorded late (in the twelfth century) and it appears quite seldom, usually as something of an accessory. The crucial element in the social ritual of knighthood is the giving of a sword to a young man, along with a whole set of equipment, the entire knightly costume, including the horse, and the reception of the youth, thus armed and equipped, into the society of adult males. Here is how a *chanson de geste*, c.1200, imagined the giving of such arms by Charlemagne:

He summoned Renaud, son of Aymon: 'The time has come to arm you as a knight, young man.' He had them bring him a coat of mail, glittering in its splendour, which the noble Renaud put on. Then Charlemagne placed on Renaud's head a most valuable helmet, while Ogier girded him with a sword, and Naime fixed on his spurs. Finally King Salomon administered the tap on the shoulder with the flat of his

sword: 'Hold fast', he said, 'and may Jesus protect you! May Almighty God, master of the world, give you counsel! Take care always to remain faithful to your lord.'

In this ceremony, the religious element remains of minor importance. When it occurs, it is in the speeches of laymen. Further, the giving of arms is one of the benefits for which the vassal must thank his lord or his king. There is no question of entering a special 'order' of feudal society.

From the ninth century on, though, bishops and priests might bless swords – whether those of kings, counts, defenders of churches in general. Banners of the saints were also ritually conferred. That was something more widespread, I think, than is usually realised. But it was not related to a coherent conception of knighthood as a Christian way of life. From the ninth century to the twelfth, what was done in the most Christian manner was the renunciation of knighthood, the farewell to the arms 'of this world' in favour of penance or entry into a monastery to wage 'spiritual combat'. In 1066, the knight Morvan decided to become a monk at the monastery of Redon: 'he came, armed, up to the altar; there he laid down the arms of his knighthood, abandoning the "old man" to put on the "new"; he gave his horse, which was worth £10, and also his lands at Trefhidic [to the monastery].'

On the other hand, the attempt to sacralise the knighting ritual found success c.1200: now there appeared in some of the liturgies the night of prayer beforehand, and the episcopal girding on of the sword. The Pontifical of William Durand (1293–5), shows the benediction of the new knight occurring within the Mass, immediately before the Gospel:

The bishop blesses the sword, saying, 'We pray, O God, that you will hear our prayers and deign to bless with the hand of your Majesty this sword with which your servant desires to be girded, that he may be empowered to be the defender of churches, widows and orphans and of all the servants of God against the cruelty of the pagans, and that he may inspire terror and fright in the other enemies of God, and that this sword may enable him to undertake fair pursuits of criminals and to make just defences. In Christ's name. Amen.'

Then follows another prayer, to God the Father:

'Thou who allowest to men the use of the sword on earth, by thy healthful disposition, to repress evil and protect justice, and who hast willed the institution of the order of knighthood for the protection of the people. . . .'

Did the people, for its part, want such protection? Of course it is easy to say that people need protection when you forbid them to bear arms: that is where ideological deceit comes in. And what guarantee was there that those who bore the sword thus consecrated would never abuse it? Institutionally, there was none: only some fine words, some beautiful gestures, particularly well suited to making any subsequent misdeeds difficult to prove or even believe.

'Dispose all things rightly in him, so that he may never wound anyone unjustly with this sword or with any other. . . .'



Figure 14.2 Knights going to a tournament. London, The British Library, MS. Royal 19.C.1, fo. 204. © The British Library, London.

Here again, according to St Paul's saying, the initiate 'puts off the old man to put on the new'. But this time, unlike the eleventh-century situation just cited, it's a matter of entering into knighthood, not leaving it.

After this, the bishop takes the unsheathed sword from the altar and places it in the knight's hand, with new injunctions about the service due to the Church and the king. Later, the bishop gives the knight the kiss of peace, telling him to be a peace-maker:

And he gives him a light cuff, saying: 'wake yourself from the torpor of evil, and keep watch in the Faith of Christ and in honour's renown. Amen.' Then the nobles present put on his spurs, in the place where custom requires. . . . Finally, the bishop hands him the banner, in the place where custom requires.

Christian civilisation indeed allowed diversity of regional custom in its very heart. The above citations are of edifying liturgy. But were these rites often performed? One has the impression that, still in the fourteenth century, dubbing ceremonies were largely profane, most often done at tournaments or on the battlefield.

The second aspect of historical debate on the Christianisation of knighthood involves forms of argument even more ideological and questionable than the first. There is talk of a softening, by Christian moral teachings, of a proto-chivalric brutality which could have been that of the non-noble – those rough fellows of modern mythology, raised up by their strength and courage alone – or perhaps that of a whole period, that feudal age of 'second barbarism' which, in France, allegedly covered the entire tenth and eleventh centuries, from the Vikings to the First Crusade. An outburst of violence, a continual boiling-over which the Church at first tried to limit by bringing against it the legislation of the Peace of God (989) and the Truce of God (1027–41), then, from the First Crusade onwards (1095) tried to channel by suggesting that only non-Christians be attacked in holy wars. Nineteenth-century historians drew from all this sometimes rather self-seeking conclusions about the

benefits bestowed by the Church on our societies and also the benefits of the modern State for which ecclesiastical action prepared the ground.

But what exactly is this 'second barbarism' but a modern myth? It's true that Europe in general, and France in particular, was covered in castles, that power became regionalised nearly everywhere, and that local wars proliferated, wars between neighbours, pitting counts and castellans against their opposite numbers. All that is exactly what the modern State claims to set itself up against: it purports to have delivered society from continuous warfare perpetrated by ruffians, knights by virtue of their military activity but not by adherence to any moral code. We should note, all the same, that this sort of argument is upheld in favour of colonialism as well: around 1900, France pacified the Moroccan South and Black Africa by taking possession of them. It seems to be modernist prejudice that makes us see as violent and crude both non-European societies and also certain societies of the European past.

If you read the texts without preconceptions and reflect on them in a common-sense way, 'feudal' barbarism does not seem so obvious. The wars of the tenth and eleventh centuries were institutions with their own implicit rules. Those knights regarded as so unchivalric had their own code of honour. Certainly they were brutal, but they also had a type of legalistic culture, and some skill in making agreements: witness their acts of homage, and the more or less 'feudal' and 'vassallic' deals they made with each other. It is not a matter of stark alternatives: either an entirely Christian morality, decreed by the clergy alone, or no morality at all. Besides, a certain Christian spirit seems to blend, without too much difficulty, with the ethics of a traditional society – via the Old Testament, for instance, which offers so many interesting models, from Gideon to the Maccabees. Like David and Solomon, the Carolingian kings claimed to bear the sword of justice, to defend their honour and their country, and the hereditary nobles, 'knights' by virtue of their function, took up the royal mission on their own account. What is often termed 'the chivalric ethic', the defence of the Church and the fatherland, of the widow and the orphan and of all the weak, was already Charlemagne's ethic, and that of his leading nobles. It was what was offered to the dukes, counts and lesser lords and castellans whose authority struck such deep roots in tenth- and eleventh-century France. In other words, this is really an ethic and an illusion that are timeless, constructs of civilisation.

Chivalric morality, to be sure, was an ideal seldom realised. Abbot Odo of Cluny credits Gerald of Aurillac (d. 909) with a Christian career beyond reproach, but Odo's biography of this count, written c.943, seems less a historical description than the blueprint of a model. Bearer of a sword, this nobleman trained in chivalric exercises wanted to make only symbolic use of it later on; and he rejected all display of wealth, all comforts of good living, and all sexual comfort too, since he refused marriage. He disarmed his enemies by his sheer desire for peace: a forerunner of Ghandi? In fact, most lords in the tenth and eleventh centuries exerted the roughest kind of military pressure on their 'neighbours' from the castles where they had their power-bases. The Council of Limoges, in November 1031, ended its first sitting with an impressive threat:

We the bishops here assembled in the name of God excommunicate the knights of the diocese of Limoges who refuse, or have refused, to guarantee to their bishop, as he requires, peace and justice. Accursed may they be, and those who

aid them in evildoing; accursed their weapons, accursed their horses. They shall be like Cain the fratricide, like the traitor Judas, like Dathan and Abiron whom Hell swallowed up alive . . .

Dathan and Abiron, yes, were prototypes of rebellion against the power of the clergy. Peace-oaths entailed respect for the privileged enclosures of churches, their rights to offer asylum, which meant that vagrants and criminals could find refuge there. Equally the oaths meant commitment not to pillage another man's lands, unless he were an enemy. Why trouble ourselves over the role of the knights in society: did they do that sort of thing every day?

Lordship in the France of the year 1000, however, even when exercised from castles, was not purely and simply a military occupation, it also rested on a kind of legitimacy. Noble knights and their escorts passed for true defenders of the law in their courts of justice, just as in their wars, they were defenders of churches on friendly terms with them, and of the countryside. Sometimes they really did act those parts. But an ideology that was already old pretends that those were the only parts they played. In the so-called Peace of God Councils, the Church of Aquitaine (989–1031) appealed to the 'princes of knighthood' to defend it against other knights.

The bad reputation of the knights of the year 1000, great lords and small, stems from the fact that the monks of the period demanded from them many gifts and restitutions of land. The monks exerted over the knights a strong moral and social pressure, by their excommunications (often likened to sword-strokes) and by their polemics. Many charters and chronicles record, often in vague terms, but sometimes more precisely, deeds of 'violence' and 'tyranny'. There must have been many bad knights, then, and the Latin play of words, '*militia* (knighthood) means *malitia* (evildoing)', applies to them. . . . All the same, comparison of the harshness of the vocabulary ('tyranny') with the actual deeds of violence makes a reduction of scale seem necessary. Furthermore, there was a striking ambivalence in the relationship of monks and clergy around the year 1000 and the knights as a collectivity. Churchmen never challenged the knights' leading role in society. Thus the monk Abbo of Fleury and Bishop Adalbero of Laon, like the Anglo-Saxons Ælfric and Wulfstan, acknowledged two dominant 'orders' in society, those who prayed and those who fought, and a third 'order' who laboured – the silent and hardworked majority. Moreover these monks only denounced the tyranny of their neighbours in the name of a shared ethic and, once peace was made between them, they were capable of passing on the very next minute to ecstatic praise for 'a nobleness of family whose knightly zeal is its chief ornament'. With 'tyrants', everything could be resolved by a gentleman's agreement.

That is why the modern argument about the Christianisation of knighthood from the eleventh and twelfth centuries contains a deep contradiction. It forgets that the early Middle Ages were Christian too. It misrepresents the complexity and ambivalence of the relations between clergy and lay lords. It neglects any decoding of the sources. Finally, the term Christianisation itself is ambiguous: does it mean a change in social practice, or does it refer to an enhanced role ascribed to the clergy as judge and consecrator of knighthood? That role increased, in any case, only very marginally, in certain thirteenth-century liturgies. From the ninth century, bishops had

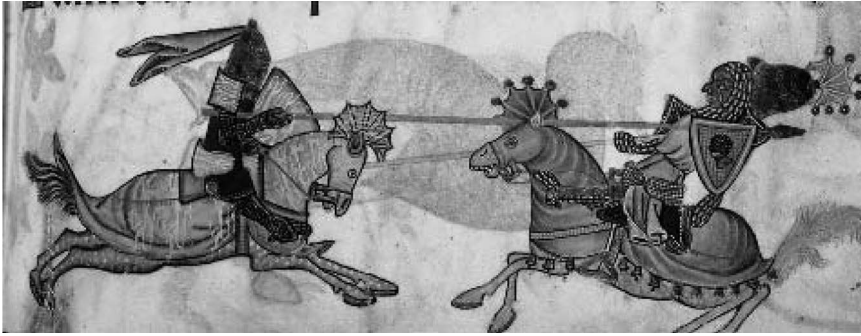


Figure 14.3 A knight overcomes a Saracen. London, The British Library, MS. Add. 42130, fo. 82. © The British Library.

never stopped imposing penance on knights for murders, despoilings of churches, sexual offences; and monks had never stopped praying for knights' sins. The Council of Narbonne (1054) forbade Christians to kill each other, and enjoined them to kill only infidels. It has often been said that this paved the way for the crusades. The rest of the canon needs to be read carefully, however: 'but if there has been a murder between Christians, a judicial composition must be preferred to vengeance'. Isn't that the spirit of all early medieval law, and the very letter of Charlemagne's capitularies of 789 and 802?

The idea that there are just wars, for the Christian fatherland, and just causes in which you need the prayers of monks and the relics of saints to sustain the combatants, does not begin with the Crusade and 1095. It is a lot older – it is, indeed, another fact of civilisation. There was much in the Bible that could be cited in its support. The crusades of the twelfth and thirteenth centuries only gave old ideas a new currency and specified a certain kind of jurisdiction: for the duration of their 'pilgrimage', crusaders were at the command and under the protection, in principle, of the clergy. There are Carolingian foundations there: the ambiguity of penance goes a long way back. In practice, crusaders were often men doing penance for their own unjust quarrels, and they often began to sin again once they'd returned from Jerusalem or the Albigeois. Their relationship with the Church was no more straightforward than that of the knights of the year 1000: it continued to ask much of them, and to say many bad things about their high living, their feasts, their tournaments. When c.1128 St Bernard began to offer praises of 'the new knighthood' of the Templars, who were armed monks, at once ascetics and bound to physical combat, this was in no way a re-evaluation of the old knighthood, that is, of the knighthood practised, still, by everyone except the Templars. On the contrary, all the faults of the 'old' knights were highlighted by the contrast. It could be said of the Templar:

Here is a knight without fear, protected on every side against danger. His body is covered by armour of iron, his soul by the armour of faith. Thus protected, he need never fear either evil spirits or men. And how could the man who aspires to death, fear death?

The ideal of the martyr is thus linked by Bernard with that of the just war, in order to free this new sort of knight from all blame:

When he puts a malefactor to death, he is not a homicide but, if I may say so, a malicide. He avenges Christ against those who do evil; he defends Christians. If he himself is killed, he does not perish, he reaches his goal. The death he inflicts is for Christ's advantage: that which he receives is for his own.

On the other hand,

why then does this *militia*, or rather this *malitia*, of the profane world exist? What purpose does it serve? It commits mortal sin when it kills; it perishes in eternal death when it gets killed.

For this reason, or from fear of the terrible cycle of reprisals involved in feud, men were perhaps in the habit of limiting themselves to a few acts of pillaging on another man's lands, but avoiding full-scale battle. Men weren't going to get themselves killed in war between fellows of good breeding (gentlemen). The *chevauchée* did not always seem very different from a tournament. It was a game, a parade: that was what attracted the monks' vitriol. St Bernard continued his line of thought:

You cover your horses in silk; you cover your own backs, underneath your body-armour, with I don't know what flowing gowns. You decorate with paint your lances, your shields, your saddles; you embellish with gold and silver and precious stones your bridles and your spurs. And, with all that pomp, you go into combat with shameful fury and shameless folly. Are those the emblems suitable for knights, or aren't they rather ornaments fitting for women?

MYTHOLOGIES OF COURTLY CONDUCT

The twelfth century was the time when modern coats of arms were invented. Now the great age of the tournament and of courtly literature had arrived, punctually. There was a flowering of lyric poetry and chivalric romances (Chrétien de Troyes, the authors of *Tristan*). The nineteenth century thought, rather naively, that this literature genuinely reflected life in the courts of love, and the attempts of knights to put women on a pedestal, and to play a fair game in tournaments. But didn't all that really involve a certain conventionality? When the Lancelot or the Gawain of Chrétien (1160–90) joust for honour alone and, in full view of the ladies, for the beauty of their body-blows, they are ideal models, fictional beings. Instead, the historical frequenters of tournaments, such as the Englishman William the Marshal, whose biography was written up, with a certain roughness of style, c.1220, fought in the 1180s to acquire ransoms in a cloud of dust:

At this time, a knight of the Young King's retinue, whom they called Roger of Gaugi, asked him to be his companion. He was a valiant man, bold, enterprising, skilful, but a little bit too keen for profits. The Marshal, knowing he was a

good knight, agreed to give his companionship. For two years, they competed in tournaments and made twice as much profit at them as six or eight of the others.

These young entrepreneurs certainly had their own accountants! But William did not deny himself generous giving: such largesse gave him prestige, to the chagrin of certain French knights, all humiliated to see an Englishman raise himself above them.

As for the troubadours' lady, object of their anxious and immature adulation, was she not the product of ambiguous male desire? Bernard de Ventadour gazes at himself rather than at his lady:

I've no longer had any control over myself since the day when she allowed me to look into her eyes, in this mirror that pleases me so much. Mirror, since I admired myself in you, my deep sighs kill me, and I'm lost, just as the lovely Narcissus lost himself in the fountain.

Of all ladies, I despair . . .

Yes, they were better off among the men, among troubadours, in those 'male Middle Ages' that Georges Duby demystified so well. Because at that very time of the troubadours, in the twelfth and thirteenth centuries, the renaissance of Roman Law reduced the rights of women in Occitania, at least in theory. The real courts were those of kings and princes, in which knights were ostentatiously received yet at the same time more or less enslaved by princely power, not to mention the rivalry of clerks, financiers and lawyers, who competed with them for princely favour. These courts were the Courts of Justice, centres of political rivalry where the only women who counted were aging dowagers. These were the places of high living, showing off a world made rich, in which dubbing ceremonies proceeded to get more elaborate than ever before, whether or not they were augmented by the symbolic cuff and by Christian rites. But these knighting ceremonies were above all political gestures which assembled the nobility and various *parvenus* around princes. Knighthood was in the process of losing in consistency what it gained in splendid display.

Now, in the thirteenth century, people talked more and more about chivalry, loading it with interpretations that were sometimes in conflict (allegorising of weapons), enlarging it, too, with elaborate rituals (masses and feasts, jousts and round tables). Hence the sheaf of principles and the series of sometimes contradictory images which I evoked at the beginning of this chapter. Among these, especially since the eighteenth century, the modern enquirer has been able to borrow, select, adapt, in order to construct his or her knighthood, his or her history of chivalry, and at the same time mask some contradictions. François Guizot, for instance, described in 1830 the shift from a kind of tenth- and eleventh-century French pre-chivalry, pre-eminently 'vassalic' and military, to the chivalry of the twelfth century 'through the work of the Church and of poetry'. But did these two sorts of work tend in the same direction? Courtly chivalry was an aesthetic dream of pleasure and social distinction, while knighthood on crusade was summoned to asceticism by St Bernard. The twelfth-century Church, assembled in councils, denounced tournaments. It refused Christian burial, in theory, to those who died accidentally, for nothing, in senseless playing at war, glorifying their own physical prowess. Furthermore, the Church could give

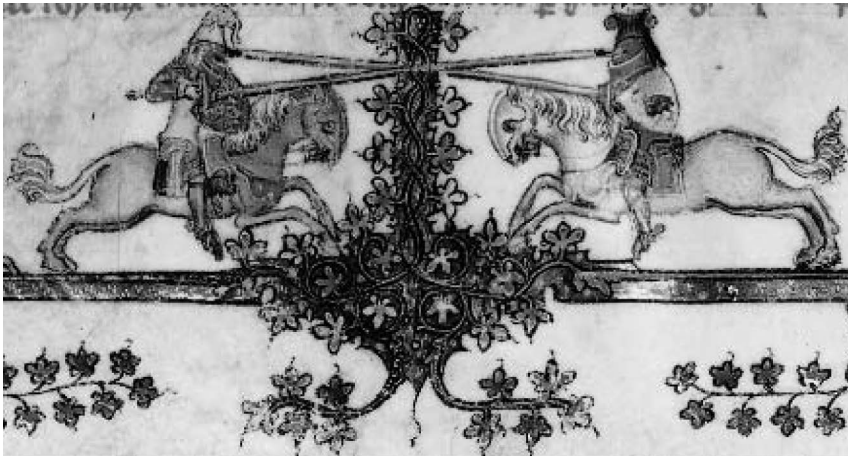


Figure 14.4 Knights perform for the ladies. © Bodleian Library, Oxford, MS. Bodl. 264, fo. 101v.

no consent to the passionate frolics of the adulterous vassal: it contented itself with borrowing some courtly rhetoric to talk about divine love.

But let's not deceive ourselves. The contradiction between an ethical chivalry and an aesthetic one is far from complete. Between these, some compromise is possible, as in the *Livre des Manières* of Bishop Stephen de Fougères, written c.1175 for the Angevin court. In the thirteenth century, when fewer monastic criticisms were being voiced, men behaved once again, rather as in Charlemagne's time, but in a more sophisticated way, as if the ideal of justice and honour offered to knights was quite often realised in practice, so that lordly power could be justified, and legitimised. As if the fine talkers and fine physical specimens were also fine and noble souls!

There certainly were, in reality, brave men among the medieval elite: men who were noble, Christian and chivalric at the same time, just as kings were meant to be. But chivalric qualities, and chivalric displays, involved a certain collective illusion, a suspension of disbelief. Few people brought out the consequences of all the many hitches, and of knights' frequent unworthiness – except for a quite radical and increasingly anticlerical current of thinking that started with Jean de Meun's *Roman de la Rose*. And no-one really protested against all that the idealisation of knights entailed by contrast, in terms of the devaluing of peasants, and contempt for serfs. Declared ugly and cowardly in all the *chansons de geste*, peasants were dirty, ridiculous, or simply absent, in all later medieval literature. One group was consecrated, the other was despised. Only in modern mythologising is the medieval world beautiful because of its chivalry. A critical history must take on board the full extent of medieval complacency with regard to the powerful, and a corresponding unfair disdain for the weak. Christian morality brought some shading of these extremes of injustice, but it never seriously attempted to blow the whistle.

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CHAPTER FIFTEEN

THE UNIQUE FAVOUR OF PENANCE

The church and the people c.800–c.1100



Sarah Hamilton

I

In his mid-eleventh-century account of some previous members of his community Ekkehard IV of St Gall described in some detail how one monk, a certain Iso (c.830–71), was conceived on Holy Saturday, that is, the day before Easter Sunday.¹ According to Ekkehard, after Iso's mother had taken a bath in preparation for Easter her husband entered the room unexpectedly and they were both overcome by desire. But Lent was, according to the Church law of the time, a penitential period not only of fasting but also of sexual abstinence. Iso's parents knew this too and almost as soon as they had finished they realised they had sinned and reproached themselves so loudly that other members of the household rushed to the scene; the couple themselves then went and prostrated themselves, weeping, barefoot, in sackcloth and ashes, before the local priest and the entire community. The priest accepted their repentance, granted them forgiveness and gave them a penance, which was to stand by the doors of the church for a day and a night and to be excluded from communion. But they were very anxious to communicate the following day because it was the most important feast in the Church's year and so they hurried to the priest of the neighbouring village where they again confessed their sin before the priest and his parishioners and asked the priest's permission to communicate on Easter Sunday, which was refused. So they spent the Easter vigil fasting and crying. And during the Mass of Easter they stood at the back of the church and did not attempt to communicate. But after everyone had communicated the priest from the neighbouring village hurried into the church and led them by the hand to the altar and opened the pyx and gave them communion, followed by his blessing and the kiss of peace; before leaving he ordered them to dispense with their penitential garb and dress in their best clothes which were more appropriate for the feast of Easter. But when the couple sent a servant with gifts to the neighbouring priest to thank him for giving them communion, they learnt that this priest had spent the entire day in his parish, and that it had been one of God's angels who had acted in his place. And nine months later Iso was born and went on to become a monk renowned among other things for his holiness.

Ekkehard was writing with a purpose for his fellow monks at the monastery of St Gall on Lake Constance in southern Germany: his story shows how through voluntary penance Iso's parents saved not only themselves but also their unborn child from the consequences of their sin. While no doubt Ekkehard obtained his tale from oral traditions circulating within his community (he was writing c.1050 about events which supposedly occurred over two hundred years before) it also follows the framework of an established ecclesiastical literary tradition. Children who were conceived at a period in the Church calendar when sexual intercourse was forbidden were consequently thought to be the work of the devil, but the Saxon aristocrat and bishop, Thietmar of Merseburg, in his early eleventh-century chronicle included two accounts of children so conceived whose souls were saved through baptism.² The link between penance and baptism was one often made by medieval writers; according to the author of an anonymous tract *On True and False Penance*, written in the eleventh century, just as baptism cleansed the Christian of original sin, so penance offered Christians an opportunity to wash away the consequences of their sinful actions. But modern historians of early medieval penance have been attracted to Ekkehard's tale because of the level of detail he includes about how penance was conducted. It is probable that the details of the story reflect eleventh-century reality fairly accurately, otherwise Ekkehard would not have been successful in putting across his arguments, that good can come out of bad behaviour, if suitably atoned for, and that voluntary penance was important. He described how a lay couple instigated the penitential process in the presence not only of their priest but of the whole village community, thereby prescribing their own severe and public penance, but also, by voluntarily proclaiming their guilt and submitting to penitential discipline, achieving their own and their child's salvation. In order to be effective, penance had to be voluntary; only by personally acknowledging his or her guilt was a Christian able to obtain God's forgiveness.

This emphasis on voluntary or spontaneous confession was an important theme in penitential literature and practice: thus the liturgical *ordines* (services) for administering penance included a question in which the priest asked the penitent whether he (or she) wished to repent his (or her) sins. The priest should continue with the rite only if he received an affirmative answer. Ekkehard wrote too long after the events he describes, and combines too many topoi from pastoral literature, for his version to be accepted as an accurate account of the events surrounding Iso's conception. It does not show that the laity might, on occasion, instigate penitential proceedings but rather reflects the desire of the clergy, both monastic and secular, to promote the voluntary admission of sin and entry into penance among their flock.

It thus demonstrates one of the inherent difficulties in the study of medieval penance, namely that the history of penance is always presented from the point of view of its ministers rather than its users. It is, of course, part of a wider problem facing historians of the medieval Church: how to study the interaction between the medieval clergy and the laity when almost all the sources were written by the clergy. This is an issue I will return to later. But first we need to consider why penance mattered in medieval society and why it is of significance to medieval historians.

II

What was penance? It was a preventative act, designed to protect Christians from the consequences of their sinful mortal life in their immortal life after death. They sought to acknowledge and atone for their sinful actions through first making confession and then undertaking penitential acts such as fasting, flagellation and almsgiving, which demonstrated their repentance in order to obtain their salvation at the Last Judgement. It was thus seen as a necessary part of the Christian life in the middle ages, at least in the eyes of the Church. Quite how necessary has been a matter of considerable debate among historians. Until the mid-twentieth century this debate followed confessional paths: Protestant historians sought to show how confession in particular and penance as an ecclesiastical process in general were without biblical warrant and inventions of the medieval Church, while Roman Catholic historians argued that they existed from the days of the early Church. Their attraction as a subject for more recent historians is rather different, although they too can be divided into two main camps.

Broadly, there are those who regard the institution of penance as the means by which the ecclesiastical authorities sought to impose their own agenda on secular society. Penance – and especially the evidence provided by penitentials – has been seen by Vogel, Kottje, Payer and Brundage, for example, as an important means by which the Church sought to Christianise early medieval Europe and as important evidence for the development of moral codes and attitudes to superstition in particular. These historians work mainly with the material in the penitentials – essentially lists of sinful acts and their appropriate penitential sentence intended as a guide to priests administering penance – and concentrate mainly on how the Church sought to ensure the laity's outward conformity to the tenets of the Church's teaching. The work of scholars such as Le Goff and Murray, on the other hand, has seen penance – or rather confession (the two terms are not, as we shall see, completely co-terminous) – as an important means for studying the *mentalité* of medieval Christians – of providing evidence for how far Christians had internalised the teaching of the Church.³ There has been a parallel debate between historians who argue for an abrupt change in the practice of penance in the eleventh century from a mechanical practice concerned with punishment and the awarding of an appropriate penitential sentence, to one in which the emphasis was upon the sinners' confession and their internal state of mind, and how contrite they were. Thus penance is seen as one aspect of the wider debate about how far the period c.1050–1200 witnessed the 'discovery of the individual', that is whether it was only with the revival of religion and learning that occurred in the twelfth century that the emphasis for the individual moved from outward conformity to inward reflection.⁴ But early medieval penance was also concerned with self-reflection and contrition – the liturgical *ordines* (services) require the penitent to prostrate himself on the ground and acknowledge his guilt:

Both in these and all vices, in whatever ways human weakness can sin against its Creator, God – either in thought or speech or deed or love or lust – I confess I have sinned and acknowledged myself guilty above all men in the sight of God.⁵

Both approaches have in common a top-down model which reflects the bias of the source material – they assume that the Church imposed penance on its lay users; and they ignore the idealised picture put forward by stories such as that of Iso's parents which show the laity initiating their own penance. But can historians afford to do so? Such stories reveal how central the period c.800–c.1100 is for the history of penance; it will thus be the chronological focus for this chapter in which we shall look at the two related questions which arise out of these debates: in whose favour did penance work, and how far was it a unique element in the Church's relations with the laity?

III

The story of Iso's parents provides a very vivid picture of Lenten penance as practised in an eleventh-century rural community. But it is not a straightforward one, for the penance Ekkehard described combines elements from what are usually regarded as being two distinct forms of penance: the one public, the other secret.

The origins of the process known as *poenitentia publica* can be found in Late Antique 'canonical' penance which was an episcopal prerogative and which could be performed only once in the penitent's lifetime. At the beginning of Lent on Ash Wednesday the bishop imposed penance in a public ritual: sinners confessed their sins and were enrolled in a class of penitents and dressed in sackcloth before being expelled from the Church to perform their public penance. On Maundy Thursday (the Thursday before Easter Sunday) the penitents were readmitted and reconciled in a similarly public ritual. But its non-reiterative nature made it unpopular as did the fact that penitents were unable to marry, or hold public or sacerdotal office for the remainder of their life; as a practice therefore it was increasingly postponed to the end of life and became confined to the deathbed.

The practice of secret penance is often referred to by historians as private penance and is seen as the antecedent of confession. But 'private penance', as Mayke de Jong has shown, was a term hardly ever used by early medieval writers; instead they referred to it as penance 'in the usual way' or as 'hidden penance', 'secret penance', and often simply as 'penance'. It probably developed in sixth-century Ireland and spread to Anglo-Saxon England and the Continent in the seventh century, seemingly originating in the monastic practice of devotional confession. In secret penance, the penitent confessed his sins to his priest in private and the priest then prescribed his penance according to the tariff set out in the penitentials.

This process cannot always have been secret in a modern sense; eleventh-century liturgical rites from Italy describe how the priest should administer secret penance in a communal service: the penitents enter the church together, the priest takes a seat in front of the altar, the penitents then approach him one by one to make their confession and be awarded a suitable penance. The rite seems confined to Italy, however, and is unusual in being so explicit on the publicity surrounding its administration. Rites for secret penance in tenth- and eleventh-century Frankish sources, such as that in Burchard's *Decretum*, seem intended for only one penitent and contain few indications that they were administered in front of other people. But even if penance was imposed in secret, in the modern sense of the phrase, it could not be performed

secretly: it would be very difficult to conceal a penitential fast of bread and water at a time when so much living, whether it was in a palace or a humble village house, was communal; the giving of alms, face-to-face, would be similarly public. Penance in such circumstances may not have been secret, but nor did it contain the elements associated with ‘public’ penance and, unlike ‘canonical’ penance, this process could be repeated as often as required by the penitent’s lifestyle and its administration was not an episcopal prerogative. Although priests were free to award penance it is less clear that they were allowed to reconcile penitents: seemingly in the early middle ages the penitent had to wait until Maundy Thursday for absolution by the bishop but around the year 1000 we appear to see the beginnings of change, and the introduction of a one-stop procedure in which the penitent confessed, was awarded his penance and absolved on a single occasion.

Hence the increasing popularity of secret penance with both the laity and the clergy in this period. But the early ninth-century reformers of the Carolingian Church sought also to revive public penance and under their guidance it evolved into something slightly different from its Late Antique antecedents. It followed the basic procedure I have already outlined – entry into penance on Ash Wednesday, reconciliation on Maundy Thursday – and remained an episcopal prerogative. But sources vary as to whether its consequences – abstinence from sexual relations, war and public office – had to last for a lifetime or merely for the period of the penance. It was supposedly reserved for particularly heinous and notorious sins, *scandala*, such as the murder of a kinsman or a churchman, especially a bishop, which were thus atoned for in a public manner. Similar crimes as long as they had not attracted public attention could be atoned for through secret penance, for priests were supposed to distinguish between the penitent who had sinned publicly and on whom penance was imposed publicly, and the penitent who had sinned secretly and voluntarily made confession. This distinction seems to have become current c.800 and was repeated in several ninth- and tenth-century episcopal statutes. It is important, for it determined who administered the penitential sentence: in the words of Ruotger,



Figure 15.1 Giving Penance, from the Fulda Sacramentary, c.975/80. Niedersächsische Staats- und Universitätsbibliothek Göttingen, Codex theol. 23 I, fo. 187r.

archbishop of Trier (915–931), addressed to his diocesan clergy, ‘Know that you may give penance for hidden sins but for public sins you should defer to us.’⁶ Public penance could only be administered by the bishop, while secret penance could be administered by local priests.

The penance performed by Iso’s parents includes many elements familiar in the liturgical ritual for public penance: they dressed in sackcloth and ashes, they confessed and were awarded their penance in public; it was a two-stage procedure – they were awarded their penance and excluded from the Church before being led back into communion with the Church by one they thought was a priest on Easter Sunday. At the same time it had parallels with the rite for private penance: it was administered by the local priest, not the bishop; penance lasted for only a day and a night, not the whole of Lent; the penitents were reconciled by a priest.

IV

Evidence for the practice of penance may be divided into two main categories: the prescriptive and the descriptive. To the first category belong the great collections of canon law, such as that compiled by Regino of Prüm c.906 as an aid to the archbishop of Trier; and that composed in the second decade of the eleventh century by Burchard of Worms which ran to twenty books, one of which, book XIX, was wholly devoted to penance. Both Regino and Burchard included rites for and descriptions of the practice of penance, as well as citing canons from Church councils and other sources governing its administration. But manuscripts of these texts suggest they remained mainly within cathedral libraries and they are thus evidence only for episcopal practice. To these can be added penitentials which achieved a much wider circulation – some three hundred manuscripts survive from the early middle ages – and recent research suggests that in the Carolingian period, at least, they were used by the rural clergy. (Evidence from the tenth and eleventh centuries, however, suggests that these books circulated mainly in an episcopal or educational context.) To these collections can be added the proceedings of Church councils held at all levels: the great councils held to reform the Frankish Church in 813 gave approval to a dictum we have already met, namely that public penance pertains to public sins, secret penance to secret sins, while the Council of Seligenstadt in 1023 ordained, among other things, that all penitents should stay in the place where they were given their penance, so that their priest could be a witness to it, although they might move in time of war. In addition to these collective prescriptions there are the statutes which individual bishops issued to their clergy, the sermons which they preached, and the liturgy which the clergy used to administer penance, both public and private. They all share to a greater or lesser extent the same characteristic: they represent the clergy’s aspirations, their wish list. They are not, on their own, evidence of reality.

Actual cases of penance imposed are not totally lacking; descriptions do survive, though they are much rarer than prescriptive sources and, as Ekkehard’s tale reveals, they were often recorded with a promotional purpose. These demonstrate that penance was portrayed as universal, a practice affecting everyone in society, from the highest to the lowest.

Royal penance is a commonplace in medieval history, stretching back from Henry II of England’s penance at Canterbury in 1174 for his involvement in the murder

of Thomas Becket via Henry IV's barefoot vigil in the snow outside the castle of Canossa before Pope Gregory VII in 1077, the penitential pilgrimage of Otto III for his involvement in the bloody suppression of a revolt in Rome in 997 and the Carolingian Emperor Louis the Pious's two penances, to the Emperor Theodosius's penance at the behest of Ambrose, archbishop of Milan, for his involvement in the massacre of the citizens of Thessaloniki by imperial troops in 390. Penance was an established part of the political dynamic which existed between the ruler and his bishops, and could be used both positively and negatively. Thus Louis the Pious at Attigny in 822 humbled himself before an assembly of the most powerful men in his kingdom, publicly confessed to having sinned and undertook a voluntary penance, following, in the words of his biographer known as the Astronomer, the example of Theodosius. It is fairly clear that Louis decided on this action to restore a political community shattered by the revolt led by his nephew Bernard of Italy in 817–18 which had led to Bernard's death in custody. Louis set such a good example at Attigny that his bishops chose to follow him, in what seems to have been a pre-arranged collective atonement, publicly confessing that they had failed to fulfil their office of episcopal *ministerium*. He was thus able to use penance positively to strengthen his position by reinforcing and representing the consensus after an initial acknowledgement of weakness. But penance could also be used negatively, as Louis found out at Soissons in 833 when his sons united and rebelled against him. Louis was forced to confess that he had failed to live up to the ideals of the royal *ministerium* by perjuring himself, and violating the public peace, and to ask for public penance as he had committed *scandala* in the face of the Church. At the behest of the bishops supporting the rebels he then assumed the penitential garb of sackcloth and entered into public penance, as a consequence of which he was excluded from all secular business. Less than a year later, the revival of his political fortunes meant that he was fully rehabilitated by loyalist bishops. As Mayke de Jong has argued, Louis the Pious's penance at Soissons seems to have been judged a step too far by all those involved, and subsequent examples of royal penance, not just in the Carolingian era but later, did not threaten the king's status as king, however much he humbled himself.

Penance was not, of course, confined to kings: the penitential sentences issued after the battle of Soissons in 922 and that of Hastings in 1066 demonstrate that penance was imposed on all those who fought. That issued after Soissons decreed that all those who took part in the battle should do penance for three years, namely fast for Lent and for fifteen days before the nativity of St John the Baptist, at Christmas and every Friday throughout the year unless they were prevented by illness or military service from observing the fast. War, while inherently sinful, was also recognised as a necessity.

And there are tales of penance by individuals lower down the social scale from a variety of sources which are much harder to verify but which, no doubt, if they were to perform their propagandistic function must have had at least some grain of verisimilitude within them. Thus a twelfth-century recension of the chronicle of Sigebert of Gembloux records for 1094 how a woman of Laon was accused of having sexual relations with her son-in-law, successfully asserted her own innocence and had her accuser killed.⁷ She then confessed her crime to a priest. Sometime later she quarrelled with the priest who consequently publicised her involvement in the murder. The relations of the dead man then accused the woman again, before the

episcopal court; she confessed and was condemned to be burnt alive. But on the day of her execution as she was walking towards the pyre she halted at the cathedral of Laon and recommended herself to the Virgin Mary; she was then led to the pyre but, despite the best efforts of the murdered man's relations who added additional faggots, she was not overtaken by the flames. She then returned to the cathedral where her protection by the Virgin Mary was recognised, and died soon afterwards. This tale has been used to demonstrate how important private vengeance was in the judicial system; but it makes the point that confession and acknowledgement of a sin to a priest will lead to salvation, and it also reveals penance being performed in what sounds like an authentically urban setting.

But all these different types of evidence, both descriptive and prescriptive, pose the same problem for a modern historian: they were written by the clergy from the point of view of the minister of penance rather than of the user. Most of them seem intended to promote the use of penance and so they tell us more about their clerical authors' aspirations than about reality.

V

In the face of this clerical bias, how can we recover the users' perspective on penitential practice? To do so, rather than rely on the evidence traditionally used by historians, namely the collections of canon law, penitentials, councils and episcopal statutes, I want to suggest the value of using liturgical evidence because it provides us with a record, albeit an idealised one, of the ritual interface between minister and penitent.

Although liturgical sources are probably the most numerous to survive from this period, they have been underused by historians interested in penance with the notable exception of Mary Mansfield's recent study of public penance in northern France in the thirteenth century.⁸ And those people who have studied the penitential liturgy have, on the whole, adopted a teleological approach – they have been looking for the origins of the Roman Church's liturgical practice rather than looking at the penitential experience at the time when the liturgies themselves were composed and copied.

But what evidence is there that such rites were anything other than a clerical pipe dream? How do we know that they were put into effect? There is some evidence within the rites themselves that they were applied and that a reality underlies the ideal of universality. Thus one rite for secret penance has an injunction that servants, both male and female, should not be made to undergo lengthy fasts because they had no control over their diet or work. This injunction is pragmatic and realistic though it is not actual proof of use. But a detailed comparison of individual rites in individual manuscripts often reveals minor alterations between rites which suggests adaptation to local circumstances. Thus the neighbouring archdioceses of Mainz and Trier evolved different variations on the rite for the episcopal reconciliation of penitents on Maundy Thursday.

Two examples, one for public, one for secret penance, will illustrate the value of liturgical evidence for relations between the clergy and the laity. The first example is the rite for public penance recorded in the so-called Romano-German Pontifical tradition which circulated widely in eleventh-century Germany. The rite was administered in two stages. On Ash Wednesday those who were about to undergo public penance

were supposed to present themselves, together with their priest, before the bishop at the doors of the cathedral church. Here they were examined about their sin and a penitential sentence awarded. After awarding sentence the bishop then led them into the church where he, with the clergy, chanted psalms for their absolution, followed by a mass. At the end of the mass the priest put ashes on the heads of the penitents and said, 'Remember, O man, that you are dust and you will revert to dust.' The penitents then put on their hair shirts. And the bishop with his clergy then drove the penitents out of the church with the words, 'Behold today you are ejected from the bosom of your Holy Mother Church for your sin, as Adam the first man was ejected from paradise because of his transgression.' The symbolic ejection of the penitent from the Church suggests that this was a very public banishment. The penitent is, to some extent, a scapegoat; the community as a whole is purified through the expulsion of this sinner; and at the same time, the evocation of Adam makes the penitent stand for all mankind. The penitents' involvement in the ritual ends with their expulsion but it is not the end of the service for either the priest or the rest of the participating community. The ashes are blessed and placed on the heads of the faithful, followed by a prayer asking God to aid them in fasting and continence (as Iso's parents are said to have done, albeit unsuccessfully). This final sequence echoes the previous sequence; just as the penitent has been instructed to fast, has changed into a hair shirt, and has had ashes placed on his head, so the faithful now repeat his behaviour as part of their own Lenten devotions. Penance is therefore seen as universal; but only the public penitents are expelled from the Church. This sequence emphasises that the Ash Wednesday service was a communal service, directed not only at the penitent but at the whole population.

Lent was a penitential period of abstinence for both the penitents and the remaining Christian community. The penitents may have performed their penance in a specific place, a monastery perhaps, or more probably their own villages, for they returned on Maundy Thursday accompanied by their own priest who was to testify about their conduct in the intervening period. It should be noted that the penitents' sentence might not end with their reconciliation on Maundy Thursday: someone given a seven-year penance, for example, might be reconciled at the end of the first Lent of his penance but continue it thereafter. The first part of the reconciliation took place outside the cathedral: the bishop was seated in front of the church doors. The penitents were presented to the bishop who invited them to come into the church, chanting the antiphon *Venite, venite*, 'come ye, come ye'. The penitents then approached the bishop by walking forward, prostrating themselves, and getting up – this motion was repeated three times until they arrived prostrate at the feet of the bishop. Each penitent was then presented to the bishop in a ceremony in which they were handed up the ecclesiastical hierarchy, by their priest to his immediate superior, the dean, and by the dean to the bishop. They were then absolved and formally reconciled with the Church. In the second part everyone then entered the church for the remainder of the service, in which the bishop petitioned God through intercessory prayer before absolving the penitents. Next the bishop sprinkled holy water, censed the prostrate penitents, and then commanded them, 'Rise up, you who are asleep, rise from the dead and Christ will give you light.' The service ends with the penitents getting up; they are restored to the community and given the promise of eternal life.



Figure 15.2 Otto III at prayer c.990, Munich, Bayerische Staatsbibliothek, MS. Clm 30111, fo. 20v.

How did the laity both as participants and as an audience understand a ritual all of whose spoken elements were in Latin? The physical movement involved in the rite for both days communicated the basic message: on Ash Wednesday the penitents were ritually thrown out of the church, both the physical building and the meta-physical community of the faithful. On Maundy Thursday they re-entered both the building and the community. Thus the use of physical space echoed the message of the rite and communicated it to onlookers. But the onlookers themselves were participants in the service and had ashes placed on their heads at the beginning of Lent, just as Iso's parents were said to have assumed sackcloth and ashes for the season of Lent. For them Maundy Thursday also signalled the beginning of the end of the Lenten season.

To turn to the penitent's own experience: it was a ritual in which the penitent underwent a change of status, from layman to penitent. According to the rubric of several rites, the (male) penitent put down his stick or staff (*baculus*) at the beginning

of the rite for entry into (public) penance on Ash Wednesday. This transition was associated with various consequences: according to repeated canon law prescriptions a public penitent should not eat meat, carry a weapon or go to war, administer any public function or marry. Thus for Louis the Pious the imposition of public penance at Soissons in 833 meant that he could no longer administer his kingdom. Evidence from the Carolingian period suggests that sticks or staffs were regarded as weapons, although they were seen as being too ineffectual for battle, and were associated with men of low status. But here the stick seems to have become a symbol for (male) lay status generally, both high and low. By putting down his stick, a man ceased to be a member of the laity and became instead a penitent, unable to participate in the norms of the lay order. Instead he adopted a new set of defining markers – sackcloth, bare feet, ashes. Although the reference to the stick is clearly gendered, the rest of this ritual was universal: prayers refer jointly to the penitents as the servants and maidservants of God. And women are portrayed as penitents alongside men in the earliest depiction of penance to survive, a miniature in a sacramentary written at Fulda c.975 (see Figure 15.1).

Penance must often have been a very disquieting experience for the laity. Not only were the penitents excluded and set apart from the rest of lay society, but by putting down his weapons, as in the case of public penance, a man became vulnerable because left with no means of defence; Burchard of Worms included in his *Decretum* penances for those who attack a penitent. The rite also required the prostration of the penitent, a gesture associated with Benedictine monasticism but otherwise not found much in lay life (exceptions being the king- and queen-making rites and ordination of the clergy); the performance of such an act made public penance an impressive ritual of self-annihilation. The council of Trier (c.927) describes the reconciliation of the penitents on Maundy Thursday in terms which are unique and suggest it was attempting to address contemporary problems: priests should ensure that the penitents appear in order to be reconciled before the doors of the church on Maundy Thursday with downcast faces, and that they pray there rather than recount *fabulae* and *ioca* to each other. Quite what was meant by *fabula ioca* is unclear; in Aquitaine c.1000 peasants referred to St Foy's miraculous actions as her *ioca* – jokes; so prohibition probably meant not that the penitents were making light of a serious situation by telling each other jokes but rather that they were trying to reassure themselves with popular religious tales. In any case, they were not showing due decorum nor paying sufficient attention to the bishop. This passing reference suggests an attempt to obviate the problem generated in an existing penitential system by its popularity; in the mid-920s in Trier penitents were appearing before the bishop to be reconciled in considerable numbers. It also leaves us with a record of what in other evidence can seem rather an abstract practice: for the penitents nervously awaiting episcopal reconciliation in Trier, penance was an only too real experience.

The procedure for secret penance was more intimate but not less formal. From the early ninth century onwards penitentials include a rite for the administration of secret penance and from the end of the ninth century these rites were also included in liturgical books. These rites are much less uniform than those for public penance but nevertheless follow a standard pattern. What follows is based on the rite found in several eleventh-century manuscripts associated with the Romano-German

Pontifical tradition. First the priest must prepare himself to receive a confession by saying a prayer in private; then he receives the penitent and prays that God may cleanse his (or her) heart, and free his or her conscience from every fetter of iniquity and forgive their sins. The priest then asks the penitent if s/he believes in the articles of orthodox faith, and if s/he wishes to have his or her sins forgiven. He then questions the penitent about what sins s/he has committed. Then he advises him or her on future conduct and awards an appropriate penance. Most lay people did not understand Latin and this particular rite made provision for penitents to be questioned on their sins and make their confession in the vernacular. Various East Frankish monasteries went further. Thus the monastery of Fulda, founded in the eighth century, included a confession prayer in Old High German. It is thus likely that both the penitent and any other lay person present would have understood the nature of his or her confession.

VI

Penance could be, and often was, administered to the clergy. For bishops, therefore, it was a useful tool for clerical discipline. Monks, of course, lived their lives according to a Rule and as such were subject to the disciplinary procedure inherent in that Rule as well as to the penitential discipline of the Church as a whole. But ecclesiastical penance was often used by bishops to discipline the secular clergy of the diocese. Thus Fulbert, bishop of Chartres (1006–28) invoked public penance as a means of punishing a cleric named Guy whom he believed was responsible for the murder of the priest Evrard.⁹ Guy or his brother Rodulf, bishop of Senlis, had hoped to become subdean of Chartres on the death of the incumbent in 1018 or 1019 but Fulbert disappointed their hopes by appointing Evrard instead. On 22 February in 1018 or 1019 some members of Rodulf's household murdered Evrard. Fulbert, as Evrard's bishop, rather than his family, took responsibility for seeking justice for his killers and refused to accept the compensation for the killing proffered by Rodulf and Guy. Later Fulbert refused to attend a trial, instead insisting that Rodulf and Guy should do public penance, and when they failed to appear before him, confess and perform that penance, he excommunicated Guy (Rodulf having died in the meantime). Fulbert argued that the killing of his holy cleric should be considered differently from the murder of a layman, and should not just be paid for but rather atoned for through public penance. In this instance his insistence on penance suggests that for Fulbert, at least, the involvement of clerics in the killing of a fellow cleric required a special punishment.

Penance is often seen as one way in which the clergy sought to assert their authority over the laity. But public penance also served another purpose. Atto, bishop of the north Italian diocese of Vercelli (924–60), in a set of statutes intended for his diocesan clergy described the relationship between a rural priest and his diocesan lord the bishop. If any of their parishioners committed a crime, then the priest should make a careful inquiry in the community about how the events occurred and produce a written report. The priest should accompany the penitent and appear before the bishop at the cathedral on Ash Wednesday to present his report. The bishop should then confirm the sentence imposed on the penitent. The priest should return on Maundy Thursday to give an account of each penitent's

conduct. Specific provision is also made for how the priest must seek episcopal permission to alter the penance if the penitent is unable to support it. In the bishop's absence it is the cardinal priests of the diocese who are responsible for altering a penitential sentence.

Atto's prescription demonstrates that one bishop, at least, regarded the institution of penance as an important means through which he conducted his relationship with and maintained control over his rural clergy. First Atto is concerned that a mere priest should neither set the penance ('a priest should not impose the rules of penance without respect of person or case; the times of penance or of reconciliation he should leave to the bishop's decision') nor reconcile the penitent ('a priest should not reconcile a penitent without consulting the bishop'); even in the event of the penitent's imminent death the priest should obtain the bishop's consent before reconciling the penitent. This assertion of the episcopal prerogative of control over the administration of public penance is a commonplace of episcopal statutes: the ninth-century Frankish bishop, Rodulf of Bourges (d. 866), for example, included a similar reminder in his statutes as did Hincmar of Rheims (d. 882) in his. But Atto's prescription also shows that the priest played a vital role as middleman between the bishop and the laity: when a crime was committed he had to investigate the circumstances carefully, interviewing the neighbours as well as the miscreants, and make a report which he brought to the bishop at his chief seat; the bishop then determined his penitential sentence on the basis of this report. Atto seems to envisage the penitents performing their penance while remaining part of the community. But he also ordered the priest to return to the bishop in person on both Maundy Thursday and the Wednesday after the octave of Pentecost to give an account of the penitents' behaviour. For although the penitents might be reconciled at the end of the first Lent they continued to perform their penance until they had completed their sentence. Why was such an elaborate procedure necessary? The prohibition in several episcopal statutes against priests accepting money for penance, that is bribes against the imposition of penance, provides a clue. This system of upward reporting was meant to prevent such circumvention of the penitential system. One bishop went further: Hincmar, archbishop of Rheims, ordained that any priest who was too slow in bringing such cases to the bishop's attention should be suspended from office for a few days on bread and water.

While it is important to remember that statutes are records of episcopal aspirations and not of practices, Hincmar's threat nevertheless demonstrates the importance bishops attached to the rite of penance. It allowed them to demonstrate their spiritual authority over what were often a very independent rural clergy. In theory the bishop had full responsibility for, and controlled appointment of, the clergy to all the churches in his diocese. In practice his authority was much more limited: many rural churches, and their priests, were under the control of secular lords. The bishop's authority was recognised as existing only over the altar while control over the church building and its property, and the appointment of its priest, was in the hands of its lord, sometimes a layman, sometimes a monastery. The bishop thus had very little control over appointments. In many cases the office of local priest no doubt became hereditary. In such circumstances public penance filled a significant gap in the structures of authority.

The liturgy for the reconciliation of penitents on Maundy Thursday offered bishops a welcome opportunity to promote themselves as spiritual lords of their diocese in a wider sense too. It provided a re-enactment of the penitential process and demonstrated the priest's subordination to both the dean of the cathedral and the bishop. Public penance was therefore a ritual which re-enforced the bishop's links with his diocese. The rural clergy serving small and relatively isolated communities probably rarely saw their bishop but the requirement that they accompany the penitent to the cathedral on Ash Wednesday and Maundy Thursday would bring them into contact with their superior at least twice a year. Maundy Thursday was important for other reasons. The service for the reconciliation of penitents in manuscripts in the Romano-German Pontifical tradition is often sandwiched between that for the blessing of the holy fire and that for the consecration of the chrism, which the clergy of the baptismal churches had to come to the cathedral to collect on Maundy Thursday (and which they had to pay for). Holy Week was also a favoured time for the holding of diocesan synods. Penance was therefore only one of several forces drawing together the scattered rural clergy into the urban diocesan centre. And its important role in diocesan cohesion may be one of the reasons underlying the attempts of bishops to retain control over the public penitential process. Both bishops and priests were in that sense users as well as administrators of penance.

VII

Historians continue to debate whether, and if so how often, the early medieval population went to confession. The story of Iso's parents with which I began reinforces the point made by the ninth- and tenth-century episcopal statutes, that penance was associated with communion; but given that the level of provision of pastoral care in the earlier medieval world is an unknown quantity, we cannot be sure how far penance was a regular practice for the majority of the population, even in the best-run dioceses such as Rheims or Vercelli probably were. What is clear from the sources is that the Church aspired to make penance a practice which unified the different sectors of medieval society. It was, in religious terms, vital in securing divine forgiveness for sins acknowledged by individual Christians, but at the same time its effects extended to the entire local Christian community which, in turn, was a microcosm of the Church itself. In the words of the archdeacon when presenting the penitents to the bishop for reconciliation on Maundy Thursday, 'Unicum itaque est poenitentiae suffragium, quod et singulis prodest et omnibus in commune succurrit' ('Unique therefore is the favour of penance which benefits them individually and aids them all in common').¹⁰

NOTES

- 1 *Ekkehardi IV Casus sancti Galli*, ed. H. F. Haefele (Ausgewählte Quellen zur deutschen Geschichte des Mittelalters 10, Darmstadt, Wissenschaftliche Buchgesellschaft, 1980), c. 30, pp. 70–2.
- 2 *Thietmari Merseburgensis episcopi chronicon*, ed. R. Holtzmann (MGH SRG NS 9, Berlin, Weidmannsche Buchhandlung, 1935), I. 24, 25, pp. 30, 32.

- 3 J. Le Goff, *La naissance du Purgatoire* (Paris, Editions Gallimard, 1981); English trans. A. Goldhammer, *The Birth of Purgatory* (London, Scolar Press, 1984); A. Murray, 'Confession before 1215', *Transactions of the Royal Historical Society*, ser. VI, 3 (1993), 51–81.
- 4 For the classic statement of this thesis see C. Morris, *The Discovery of the Individual, 1050–1200* (London, SPCK for the Church Historical Society, 1972), but see also the critique by C. Walker Bynum, 'Did the twelfth century discover the individual?', in her *Jesus as Mother. Studies in the spirituality of the high Middle Ages* (Berkeley, Los Angeles and London, University of California Press, 1982), 82–109 and Morris's response: 'Individualism in twelfth-century religion: some further reflections', *Journal of Ecclesiastical History* 31 (1980), 195–206.
- 5 Burchard of Worms, *Decretum* XIX. vii, J. P. Migne (ed.), *Patrologiae cursus completus, Series Latina* 140, col. 978.
- 6 Council of Trier (927), c. 15, *Concilia aevi Saxonici I: 916–60*, ed. E.-D. Hehl and H. Fuhrmann, *Monumenta Germaniae Historica Concilia VI* (Hannover, Hahnsche Buchhandlung, 1987), p. 84. This injunction is a commonplace and is also found in the Council of Mainz (847), c. 31, *Concilia aevi Karolini 843–59*, ed. W. Hartmann, *Monumenta Germaniae Historica Concilia III* (Hannover, Hahnsche Buchhandlung, 1984), 176 and Regino of Prüm's collection, *Libri duo de synodalibus causis et disciplinis ecclesiasticis*, ed. F. Wasserschleben (Leipzig, W. Engelmann, 1840; repr. Graz, Akademische Druck – U. Verlagsanstalt, 1958), I. 296, p. 137.
- 7 Sigbert of Gembloux, *Chronica auctarium Ursicampinum*, ed. D. L. C. Bethmann, *Monumenta Germaniae Historica SS VI* (Hanover, Hahn, 1843), 471.
- 8 M. Mansfield, *The Humiliation of Sinners. Public Penance in Thirteenth-century France* (Ithaca and London, Cornell University Press, 1995).
- 9 *The Letters and Poems of Fulbert of Chartres*, ed. F. Behrends (Oxford, Oxford University Press, 1976), Epistolae 29–36, pp. 52–66.
- 10 *Le Pontifical Romano-Germanique du dixième siècle*, eds. C. Vogel and R. Elze, (*Studi e Testi* 226, 227, 269, Vatican City, Biblioteca Apostolica Vaticana, 1963, 1972), XCIX no. 225, II, 60.

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CHAPTER SIXTEEN

GENDER NEGOTIATIONS IN FRANCE DURING THE CENTRAL MIDDLE AGES

The literary evidence



Linda Paterson

At the epicentre of the many invigorating changes marking the ‘twelfth-century renaissance’ in Europe – from its innovations and importations in philosophy, literature, education, science, historiography, architecture and law to the founding and expansion of new religious establishments and dissident movements, along with the burgeoning of travel, trade, urban growth and republican aspiration – France and Occitania witnessed the unprecedented eruption of a self-confident and dynamic lay culture. Its inventions which were perhaps to have the most powerful impact in geographical space and historical time were those ideals still familiar to us, for better or for worse, of chivalry and courtly love. Intimately bound up with notions of what it meant to be a (noble) man or woman, these articulated far-reaching renegotiations of gender identities and relations. The prolific new literatures in the vernacular tongues of *oïl* and *oc*, while not the only manifestations of these ideals and cultural tensions, provide a particularly rich and subtle seam of source material for the historian: an opportunity to gauge some of the impact on aristocratic lay sensibilities of differences and disputes, for example, between Church and laity over sexual and marriage practices. Although largely written by men with male interests at heart, the literature allows some space for women’s voices. These may be heard directly, through a small minority of women writers. But they also reverberate through male authors’ awareness of women listeners among their audiences, whom they often perceive as a problematic presence, and through the openness and ambiguities of texts which provide space for divergent readings (Krueger 1993). Though medieval historians are often inclined to avoid literary sources or sources seemingly too tainted with literariness (Gillingham 1995: 34–7), these are in one fundamental respect no different from other written records. Whether one is dealing with a romance, a medical textbook, a chronicle or a charter, there is a document to evaluate in terms of its conventions, its conditions and purposes of production and reception, and the presence or absence of corroborative evidence. Literature, however, is particularly good at providing details of daily life and contemporary sensibility, provided these are analysed in the context of tendencies to idealise or stereotype; its themes, repetitions and silences can be used to diagnose the preoccupations and unresolved social tensions of audiences and authors; and its vocabulary and representations provide

valuable tools for tracing shifts in ways of thinking. Moreover, vernacular literature provides a precious counterbalance to the predominance of Latin and hence primarily ecclesiastical written material.

This chapter will not attempt a survey of the extensive and continuously growing body of criticism devoted to gender issues in Old French and Occitan literature (Kay and Rubin 1994; Gaunt 1995; Nelson 1997; McCracken 1988), but will touch on four interrelated themes: marriage; courtly love; gender options; and violence. It will range within linguistic rather than territorial or political boundaries, drawing on textual examples from Anglo-Norman England as well as France and Occitania. The chronological focus will be primarily that of the twelfth and early thirteenth centuries, when the new ideals of chivalry and courtly love are taking hold.

MARRIAGE

The first full-length Old French liturgical play, the mid-twelfth-century 'Order for the representation of Adam', opens with Adam and Eve in the presence of God. Adam, with a self-possessed air, stands closer to the divinity; Eve is placed further away, her head covered, with a more humble demeanour. God speaks first to Adam, and like an earthly father or guardian makes him the gift of Eve as wife. As if the man might think her alien, God emphasises that as the original (and only male) parturient, Adam has given birth to flesh of his flesh: 'She is thy wife and as thou art in nature . . . I have formed her from thy rib, she is a part of thee, is born of thee . . . she is no stranger to thee' (11–20). His 'law of marriage' prescribes Eve's obedience to her husband, with Adam ruling Eve 'par raison' (21): 'in reason', that is, reasonably, but also 'by reason' because Adam is the (more or only?) rational one. They are to live with each other in love, faith, mutual service, and harmony. God then addresses Eve directly, stressing her duty to love, honour and serve her divine creator, to love and obey her husband, never going 'beyond his discipline' and being a 'good helpmate' to him. Eve promises to do this, to give Adam good counsel, and to acknowledge him as both her equal (*pareille*) and master (*forzor*, the 'stronger one').

The entertaining, subtle and educated elaboration of the two Genesis creation stories (1. 27–8 and 2. 7 to 3. 24) by an Anglo-Norman cleric for the edification of a lay congregation exemplifies issues of considerable interest to the history of gender in the central Middle Ages. First, it sets forth a 'law of marriage' at a time of conflict and debate between Church and laity: a historical and cultural flashpoint provoking a major renegotiation of sexuality in the wake of the eleventh-century Gregorian Reform (Gaunt 1995: 74), and coinciding with a dazzling explosion of new multi-generic vernacular literature. Secondly, like many other vernacular texts of the period, it explores some of the dynamics of marital relations in terms which the laity would be expected to recognise in their own lives, offering the kind of nuanced and imaginative insight and commentary which one cannot hope to locate in sources such as charters, penitentials, legal codes and so forth. Thirdly, with Eve being the prime human cause of Original Sin, it provides grist to the mill of our understanding of medieval misogyny: a mixed grist for all that, because this text, like many others, remains somewhat ambiguous.

After God has married Adam and Eve he addresses Adam alone (49). Eve remains on the margins of earshot, both included and excluded, like the rib from which she was fashioned. To Adam is given dominion over the earth, and the capacity to choose between good and evil. Does Eve receive this capacity? The Divinity seems to shrug off responsibility for his secondary creation: 'I speak with thee, but wish thy wife to hear: if she be heedless, then she is not wise'. Her future heedlessness, and guilt, seem more or less inevitable, and God's admonition to Adam to 'leave not my counsel for another's word' (71) foreshadows not only Satan's temptations but Eve's failure to give good counsel.

For man and woman alike, Paradise is plenitude: 'here you will find no lack of any delight' (90; my translation). Both will be free from the fear of ageing and death. But other fears are gendered: 'Here woman need not dread man's wrath/nor he before her suffer fear or shame; /begetting, man is not a sinner here, /and, bearing children, woman feels no pain' (93–6). For women, then, postlapsarian reality will entail fear of a husband's anger, and the pains of childbirth; for men, sexual guilt, and anxiety that his wife will bring shame on him. Medieval literature as a whole makes it plain what rendered a husband particularly vulnerable: the fear of cuckoldry.

The initial temptation scenes, lively and engaging, differentiate Adam as relatively incurious, resistant to the lure of knowledge and power, a clear-headed reader of deceiving speech; and Eve as a curious listener, eager to be privy to secrets – even those from which her husband is excluded –, easily persuaded to criticise his tendency to domineer, dangerously ready to question the divine plan, and a pushover in the face of blandishments somewhat reminiscent of the courtly lover's (227–30, 253–8). Though praised by Satan for her wisdom, when offered the fruit of *saver* (knowledge) she punningly enquires as to its *savor* (taste); unaverse to the idea of being 'dame del mond' ('lady over all the world') and 'master' too (*maistre*, 258), potentially usurping both divine and gender prerogatives, her desires reflect a sensuality untroubled by awareness of sin. As she takes her first bite of the fruit the taste fills her senses with hallucinatory delight in delusions of omniscience and power. The more sober and lucid Adam, lapsing through misplaced trust in Eve's advice, immediately recognises his sinfulness, and does not hesitate to blame his wife, at length.

Authoritative by virtue of its biblical paradigm, there are nonetheless some telling shades of difference between the play and the Vulgate. In the latter Adam is, to be sure, the first created human, namer of the animals before the formation of Eve as his helpmate and companion. But Genesis does not prescribe Eve's obedience to Adam in Paradise; only after the Fall is she doomed to subservience and, implicitly, the pair to discord: 'and thy desire shall be to thy husband, and he shall rule over thee' (3. 16). In the medieval play, by contrast, marital tension surfaces during the temptation of Eve, and in her all too effective jibe of cowardice (298). Conjugal discord seems inherent in Creation itself: women are bound to cause trouble, and men to be poor at the job of controlling them.

It would be easy to interpret the play as emblematic of medieval misogyny. An ancillary creation in a masculine universe and a masculine history (God, Cain and Abel and the Prophets are all men), Eve foreshadows the stereotypical medieval woman: sensuous, of doubtful ethical capacity, vain, garrulous, ambitious, unreliable, untrustworthy, easily tempted and tempting, the downfall of the less devious male, and henceforth doomed to be 'contrary to reason' and the source of torment to mankind

(553–7). Yet ambiguity complicates and enriches this literary testimony to medieval gender relations. Unlike his wife, Adam is dull, fearful and lacking in leadership; his knowledge of sin brings misery at the consequences and anger at his wife, but little immediate sign of penitence or acceptance of responsibility. Once she understands her sinfulness, Eve accepts its painful consequences for herself and her descendants, and the blame. If she sanctions the rightful ‘discipline’ of the man (580), that man is fallen, weak, sinful, guilt-racked and lacking in vision and love. It is Eve who has the last word: one of hope for atonement and God’s grace (587–90; Muir 1973: 83).

Literary sources offer an opportunity to explore repercussions of what Georges Duby has identified as a clash between lay and ecclesiastical models of marriage, which he saw coming to a head at the time of the first troubadour, William of Aquitaine, at the end of the eleventh century (Duby 1983). Essentially Duby saw the lay model as founded on endogamy, digamy (that is, the possibility of divorce and remarriage), and the predominance of family interests over individual choice of marriage partner, and the ecclesiastical model based on exogamy, monogamy, and the consent of the conjugal pair alone. By setting forth a ‘law of marriage’ (even though Genesis does not in fact mention marriage at all), the *Adam* playwright enters into a process of dialogue, and a good deal of Old French and Occitan narrative literature shows keen interest in the subject. How far and in what respects do literary sources engage with the key points of the political conflict outlined by Duby?

The issue of endogamy–exogamy or consanguinity would of course be an absurd one to raise in the case of Adam and Eve, but it rarely figures in contemporary vernacular literature. Literature is also far more interested in adultery than divorce, even though the lay nobility had hardly accepted the Church’s position on consanguinity and monogamy. Perhaps the Church’s grip on these matters was in practice tenuous, and the literary public did not perceive them as areas of tension. Consent is another matter. A woman’s right to choose her marriage partner goes to the heart of social arrangements for the transmission of property. In literary texts it proves a question of burning interest, and multi-faceted mystification.

Some scholars have seen consent as the spark which ignited renegotiations of sexuality and gender difference in twelfth-century literature, ‘raising the spectre of women’s choice (and thereby desire)’ (Gaunt 1995: 75). Although in reality younger sons were often prevented from marrying, and in the case of others the choice was a family rather than an individual one, consent to marriage is usually a female issue in literary texts. There may be a number of reasons for this: men were regarded as more free, or male listeners could more plausibly fantasise about their freedom whereas women were always more closely guarded; literature often shows young men chasing desirable heiresses, in cases where their families would be only too pleased for them to succeed. By the thirteenth century there is some literary evidence that the woman whose father is asked for her hand in marriage needs to give her verbal consent for the engagement to be valid, but that it is difficult for her to refuse her father’s wishes. In earlier literature the woman is often simply handed over as an object of exchange. The question of consent arises where the woman actively protests, with some texts implying consent in the absence of objection. Such protest is rarely the consequence of personal preference, but rather serves to bolster the masculine values of the text, for example a widow’s fidelity to a good man and the protection of his heirs by her refusal to remarry (Gaunt 1990a; Paterson 1991: 431–4; Paterson 1993:

229–32; but see also Kay 1995: 25–48). The pursuit of individual choice is usually problematic at the level of not only plot but the judgement of author and implied reader. The reader or listener wants Chrétien de Troyes' heroine Fenice, for example, to marry the man she loves and not the man prescribed for her by her family: the husband officially chosen for her is unsuitable since he has broken a vow not to marry and disinherit his nephew, the object of her preference (*Cligés*: 1957). On the other hand, audience sympathy is potentially checked by her not wholly exemplary behaviour. Moreover, the romance 'solution' to the dilemma of this twelfth-century young woman faced with a dynastic marriage consists of a self-consciously ironised fantasy, involving a magic potion and tower and a contrived ending where the obstacle to her desires conveniently dies of rage. In short, while literary texts often demonstrate sympathy for the woman married to a jealous, brutal husband, and offer fantasies of personal choice of spouse, and while they reveal an awareness of the growing relevance of the bride's consent as a prerequisite to marriage, they largely reinforce a conservative lay position that marriage is a family affair serving the inheritance rights of the male line. So in this respect literature could be seen as responding to Church pressures, but hardly accepting them wholeheartedly.

The literature also shows some signs of the Church's wish to play a more important part in marriage through its presence at wedding ceremonies. In some texts, the presence of a prelate or a ceremony in Church legitimises a marriage, their absence calling it into question (*Erec, Daurel*; Paterson 1991: 437–41). Aspects of marriage emphasised by the *Adam* play include fidelity to spouse and God (both expressed in contemporary terms of service to an overlord), marital affection and mutual support, the wife's role as counsellor, and the relative power of man and wife. While it shows little obvious interest in Duby's three main pairs of criteria for the clash of 'models of marriage', it resembles in several respects the defence of the goodness of marriage by the twelfth-century canonist Gratian: that it leads to conjugal fidelity, a moral and religious framework for child-rearing, and mutual love and support between the couple who express their attachment through sexual union, with the proviso that 'the woman has no power, but in everything she is subject to the control of her husband' (Brundage 1987: 235 and 255). While the *Adam* play is coy about sex, it nevertheless includes it in Eden, for God announces man's freedom here from sin in begetting children – the implication remaining, however, that after the Fall sex becomes tainted.

These features of marriage are explored at greater length by Chrétien de Troyes in his romance *Erec et Enide* which charts the relationship of a young bride and groom to present its own model of marriage, love, chivalry and kingship, and which allows a more positive view of sex. The usefulness of this text as a historical source lies in its mixture of detailed exploration of contemporary issues together with a didactic exemplarity relatively uncomplicated by the playfulness and subversive ironies of Chrétien's later romances. The marriage is contracted for practical reasons whose ethical status is left open to debate: for Erec, Enide is initially little more than a convenient pretext for a fight to avenge his honour, while Enide is moved by thoughts of increased social status. However, the match is pronounced by the narrator to be exemplary, the couple equalling each other in beauty and intelligence, and it is celebrated with the legitimacy of a public church ceremony, by contrast with the unwedded, stifling and selfish cohabitation of the lovers who figure in the Joy of the Court

episode at the end of the romance. Love is clearly a vital part of their marriage, as is sexual pleasure, provided that this is not over-indulged at the expense of their role in society. This ideal resembles quite closely ideas found in Gratian; indeed, the idea that sexual attraction and satisfaction are important ingredients in a marriage is present some forty years earlier in Anglo-Norman England in Gaimar's *Estoire des Engleis* (Gillingham 1997: 51–2).

The preoccupation of twelfth- and thirteenth-century literature with the subject of love, marital affection and marital disaffection is so vast that it would be idle to attempt here a synthesis of its diverse manifestations. Suffice it to suggest that new emphasis on marital affection in canonists such as Gratian may well be a response to vernacular literature and lay expectations rather than the other way round.

The wife as giver of good counsel is another recurrent literary theme developed with some subtlety in *Erec et Enide*. Perhaps the most problematic part of this romance from the interpretative point of view concerns Erec's brusque commands to his wife, once they have quarrelled and then set out on their joint quest of self-discovery, to remain silent, whatever may befall. Enide already considers herself guilty of foolish speech, having blurted out to her husband the reproaches of Erec's male companions that he has abandoned knightly pursuits. The reader is in a position to judge her with greater detachment: inept and naïve as she is, she reveals greater alertness than her uxorious spouse to his fault and threatened reputation. Erec's harsh commands to Enide are left ambiguous: does he really *want* her to be quiet? Is he asserting dominance out of piqued pride? Is he testing her? Is his anger simply evidence of the marital disharmony precipitated by their fault and quarrel? Whatever the case, she has to learn to make her own judgements on when and what it is appropriate to speak, and this is seen as an important part of her apprenticeship as a married woman with social responsibilities. Eve as giver of bad advice is not the paradigm for vernacular epic and romance, though it is not uncommon either (*Willame*: 2590–6; *Ami*: 500–5). Wives often give wise advice which goes unheeded: a device which in some *chansons de geste* serves to offer a critique of masculine ideologies (Kay 1990c; Kay 1990d).

Erec et Enide is also a locus of discussion about the issue of power in marital relations. As we have seen, the *Adam* playwright presents a tussle for power as inevitable from the beginnings of mankind. Chrétien explores conflicting models of relations between man and wife, encapsulated in the application of the feminine tags *dame*, *feme* and *amie* to Enide by the narrator and by the male protagonist. At various stages of the narrative Erec treats Enide with the respect and deference due to a *dame*, which carries the diverse overtones of a married woman with social status and responsibilities and the courtly *domna* of troubadour poetry; the affection based on equality and intimacy implied by *amie*; and the commanding attitude of a twelfth-century husband towards his *feme*. The ideal emerging from this romance is evidently a 'proper' balance of these possibilities, though in Chrétien's next romance of *Cligés*, such a concordance, overtly achieved, is subverted by textual ironies that suggest a more worldly doubt of its practical possibility.

Old French and Occitan narrative poetry not infrequently shows noblewomen in positions of power and influence. While the *Roman de Silence* raises the issue of whether women should inherit at all (see below), heiresses often surface in vernacular texts as desirable prizes and represent a regular fantasy of the knightly audience.

Sometimes, like Brunissen, the heroine of the romance of *Jaufre*, they are inclined to bossiness but worth the effort of courting. At other times their power is shown to be tenuous and hedged about with ambiguity: in his romance of *Yvain*, Chrétien de Troyes depicts the heroine Laudine on one level as a domineering autocrat, on another as the victim of the real constraints placed upon a woman ruler (Krueger 1985). Intense hostility to women's power surfaces in the Old French hagiographical epic *Ami et Amile*, where Lubias, a rich heiress who is a mere object of male exchange before her marriage, subsequently uses her position as ruler of Blaye to abuse her leprous husband and attempt to coerce the bishop into sanctioning their divorce. Vernacular literature reveals contemporary anxieties over the power not only of independent female rulers, such as Melisende of Jerusalem (Huneycutt 1994: 192), but also of consorts, especially queens, to influence government through their positions as wives and mothers and, potentially, to subvert succession (McCracken 1998).

The literature privileges above all the ideal whereby women use whatever lesser powers they have to support their husbands and their just causes. Guibourc in the *Song of William* exemplifies this in her courage, initiative, affection, nurturing, administrative and troop-raising skills and her commitment to 'exalting holy Christendom'. More tellingly in the context of property transmission, Esmenjart in *Daurel et Beton* protests vociferously against forced remarriage after her husband's death. The crudity of the financial transaction between the king her brother, who has the power to dispose of her, and the man who murdered her husband, her casting away of his ring, the absence of clergy at this second 'marriage', and her declaration that it constitutes force (in other words rape), all undermine its legality and present her as a victim. But the real point is that this remarriage jeopardises the rights of her first husband's son and heir. Here, the Church's position on consent is invoked in such a way as to shore up the very system of property transmission it could otherwise be seen to undermine. The other trick is to persuade women to want what the system wants.

As in the play of Adam, comic genres such as the *fabliaux* generally portray women as difficult to control. This applies especially to their sexuality: a great many of the *fabliaux* deal with the adultery of wives, and a good proportion of these show the husbands as fools who will swallow any tale their wives tell them, even to the point of a husband, under the delusion that he has died, inertly watching the copulation of his wife and local priest. While these tales are full of misogynistic stereotypes and categorical affirmations of the manifold vices of women, their tenor remains nonetheless ambiguous: in a world of hedonism, through their superior wits and resourcefulness women are apt to come out 'on top' (Johnson 1983). Even where men gain the upper hand their victory may pose awkward questions. The *fabliau* of *Sire Hain et Dame Anuieuse* (II, 1–26) dramatises a literal battle over who wears the trousers. Wearied of his wife's nagging and perversity – when he wants peas for dinner she gives him leeks, and vice versa – he challenges her to fisticuffs to decide once and for all who is the boss. The tale ends with the wife beaten and docile, the 'message' rubbed in by the concluding moral; but what is the value or moral basis of a subservience based on physical violence? Given that the woman puts up a vigorous fight and only loses because she trips and falls head over heels into a laundry basket, is not the man's victory the result of pure chance? Or is this simply a case of encouragement to men, in a comic vein, to use whatever violence is necessary to ensure their mastery?



Figure 16.1 Eve emerging from Adam's rib. The Pierpont Morgan Library, New York. MS. 638, fo. 1v.

COURTLY LOVE IN THE TROUBADOUR LYRIC

While much of Old French literature, with the notable exception of the Tristan stories, presents gender relations in terms of marriage, from the late eleventh century the lyric troubadours of Occitania had been celebrating extra-marital love (Paterson 1999: 26–46). Their singular invention of Courtly Love might seem to represent the opposite of misogyny. Admiration and reverence for the *domna* or courtly lady may well have its origins, partly at least, in poetry of praise encouraged by noblewomen of some power and status (Kasten 1986: 41–5; Bond 1995: 128–37; Paterson 2003). But women were not the only stakeholders in *fin'amor*. In the first known troubadour, Duke William IX of Aquitaine, we can glimpse negotiations between men and women: 'If my lady is willing to grant me her love, I am ready to receive and welcome it, and to conceal and express my appreciation of it, and to say and do what

pleases her, and cherish her reputation and promote praise of her' (IX, 37–42).¹ Female interest in a poetry of encomium speaks indirectly here. But the code of love formulated by William focuses not so much on the *domna* as on the social cohesion and exclusivity of the court, and the worth and privilege of the individual male troubadour (Paterson 1999: 28–31). There was no single code of love in troubadour culture, any more than there was a single code of chivalry in France, but as the troubadours negotiated ideological changes through debates within the *canso* tradition, as well as between the *canso* and other poetic genres, the *domna* came more firmly to represent a mere catalyst to masculine self-enhancement in the eyes of other men: another 'transparent object of exchange'. The *canso* celebrated the privileged sentiments of the male speaker and addressed itself, more often than not, to a male addressee (Gaunt 1990c: 311). Moreover the role of the *domna* became more prescriptive and coercive, involving what Sarah Kay has termed a three-gender system: a masculine gender, positive, undivided and unproblematical, and two female genders, a negative one of the *femna* which embodied the misogynistic stereotype of female unreliability and misconduct, and a positive one of the *domna* which, however, entailed the acquisition of stereotypically 'masculine' characteristics, the sacrifice of the woman's sexuality, and the constant danger of slipping into the negative *femna* category (Kay 1990a: 86–95). When women's voices made themselves heard in the late twelfth century and the thirteenth, in the form of the minority *trobairitz* or women troubadours, the straitjacket of these gender categories and the *domna* role prescribed by the male-authored tradition were sources of anxiety for these women. The evidence of the troubadour lyric as a whole shows that women were able to contribute to Occitan courtly culture by their social presence and their minority participation in artistic production and patronage; that there were ups and downs in their visibility; that they were sometimes able to speak out with authority, and often with wit and artistic accomplishment; but that they were having to deal with powerful constraints, serving primarily male interests (Paterson 1993: 256–65). It also suggests that poetry which may have originally responded significantly to female initiative was largely taken over by men for their own purposes.

GENDERED IDENTITY

Constructions of gender through laws, marriage customs, names, linguistic categories ('man', 'woman', 'lady'), restrictive work practices, scientific and religious theories and practices, architecture, art and literature serve, among other purposes, to ground power hierarchies and contain perceived threats of unruliness. They are moveable and may, as we have seen in the case of the troubadour *canso*, involve more than two gender categories. Women such as Guibourc (*Willame*) with supposedly masculine characteristics such as courage and firmness of purpose are often praised in Old French literature, soft or effeminate men such as Cariado denigrated (*Tristan*, 811–16), even though from the twelfth century, written and iconographical sources not infrequently represent Jesus with feminine and maternal traits (Bynum 1982: 110–69; Bynum 1987: 270–3 and plates 25–30).

Gender constructions are coercive to both men and women. In his important book *Gender and Genre*, Simon Gaunt has shown how Old French and Occitan literature constantly rehearses and reworks issues and definitions of gender difference through

intra- and inter-generic dialogue, and how constructions of femininity serve as an attempt not only to control women, but also to define lay masculinity restrictively as heterosexual, homosocial and militaristic. It is uncertain to what extent this may signal opposition to what John Boswell has identified as a clerical gay sub-culture thriving from c.1050–1150, followed by fanatical hostility and oppression in the later Middle Ages (Boswell 1980). As far as militaristic values are concerned, some of the clerical authors of vernacular literature in France seek, in fact, to moderate or subvert them with more peaceable and spiritual ideals (Paterson 1981: 32; *Raoul*: lxxi; Kay 1990c; Kay 1990d), but heroes of Old French epics and romances, by contrast with the lover of Occitan lyrics, are expected to be accomplished knights, and behind the mitigating ethos of diverse chivalries lies the archetypal dismissiveness of that militant Christian, Archbishop Turpin of the *Chanson de Roland* (1877–82): a knight who lacks strength and ferocity is not worth fourpence and should stay at home in a monastery and pray for our souls.

Men as a whole did not, however, have to contend with the ubiquitous prejudice against their sex with which women were faced, and which they risked internalising (Blamires 1992; Radice 1974: 130–1, 161; Lawson 1985: 51; Gaunt 1995: 158). Sarah Kay has memorably divided medieval misogyny between the ‘feudal’ (in other words, lay) and the ‘ecclesiastical’ (Kay 1990b: 131). According to the first model, the woman is a transparent object of exchange between men: often virtually invisible, she functions as a trophy or reward for valorous service, as a status symbol, a channel of noble blood and property, or a means by which a man may avenge himself on another man (by seducing or raping that man’s wife). The fair Aude in the Oxford *Roland*, for example, surfaces in the minds of the male heroes Roland and Oliver at a crisis-point in their relations, serving primarily as a poignant reminder of their homosocial bonds which she welds together by virtue of being Oliver’s sister and Roland’s fiancée. She finally appears on the narrative stage after Roland’s death only to refuse any substitute husband and fall down dead: a simple sign of his prestige. The ecclesiastical model of misogyny, by contrast, ascribes to women malign agency: woman is the temptress Eve, or worse, the Whore of Babylon, manipulative, devious, treacherous, lustful, mutable, venal, the ruination of man. These contrasting approaches to women are exemplified on the one hand in the *Chanson de Roland*, where men who think too much of their lands and wives at home are blamed for weakness, but where the women themselves have no agency, and certain ecclesiastical accounts of Urban II’s preaching of the First Crusade which refer to the ‘seductive lures’ of the wives of potential crusaders: ‘the most beautiful wives became as loathsome as something putrid’ (Riley-Smith 1981: 52 and 56). Such clerical disgust for women is found in the troubadour satirist Marcabru, who warns men against the wiles of the whore, who ‘often stinks in her whoring, like a rotting carcass in a slaughterhouse’ (XLIV, 29–32).

Biological essentialism is a standard patriarchal method of dooming women to inferiority and subservience (Paterson 1993: 270–5). Despite the fluidity and range of possible sexual identities allowed for by Aristotelian understanding of the human body (Rubin 1994: 106), it seems that everyone in the Middle Ages believed in ‘the nature of women’. Overtly misogynistic writers could simply hammer out *ad infinitum* the hardy clichés going back to Juvenal and St Jerome (Blamires 1992). Others, more apparently sympathetic to women, readily lapse into them as if they

had universal explanatory power (*Yvain*: 1649–52). More tellingly, women writers also draw on them. Heloïse asks in anguish whether it has always been the lot of women to bring about the downfall of great men, when it is all too clear that it was Abelard who calculatingly set out to seduce his young pupil.² Christine de Pisan in the later Middle Ages challenges traditional misogyny but counters it partly by the valuation of feminine qualities, such as gentleness and diplomacy, which are judged to be innate.

Yet the more that male authors insist on the unshakable nature of women, the more suspect this insistence becomes. If it is universally accepted, why reiterate it? The *Roman de Silence*, which has attracted a great deal of interest in recent feminist scholarship, shows that the nature–nurture debate was a source of lively tension for its author Heldris of Cornwall and his audience. The tale begins with a king (Eban of England) decreeing, contrary to custom, that daughters will henceforth be forbidden from inheriting their fathers' estates. This results from the fault not of women but of two men who married the twin daughters of one of his vassals and quarrelled violently over the inheritance. When a deserving knight Cador marries a count's daughter he is anxious that their child should be able to inherit their lands, and on the birth of a girl, they have it brought up as a boy. This launches the narrative into a debate on the relative influence of nurture and nature on gender. By a change of clothes and grammatical appendage, the girl *Silencia* becomes the boy *Silenti*us and proves to be a highly successful male, outshining all in knightly prowess. Nature and Nurture personified battle it out, and despite the narrator's declared (though not necessarily reliable) belief in the pre-eminence of Nature (2339–42, cf. 2423–4), within a year Silence 'wasn't a girl any more' (2350). Puberty brings a crisis of identity, when Silence is smitten with an urge to 'go and learn to sew' (2543), but on considering 'the pastimes of women's chambers', decides that 'a man's way of life is much better than a woman's': 'I should make a big mistake to step down when I'm on top' (2632–41). This text therefore exposes clearly the imbalance of power and advantage inherent in gender, and demonstrates that at least in the case of a girl born with outstanding noble qualities, there is nothing to prevent her from excelling at skills and pursuits traditionally defined as masculine. Yet the conclusion, which restores to women their right to inherit but sees Silence reduced to her original female condition – and to silence – appears to suppress the debate which the preceding narrative raised with such energy and focus (Gaunt 1990: 213). Was the issue too sensitive, were the implications of the challenge to conventional gender roles too difficult to take on board? Heldris's conclusion seems to show a particular awareness, if not awkwardness, in the troubling presence of female members of the audience (6705), as he concludes that 'one should think well of a good woman more than one should dislike or blame a bad one' since 'a woman has less chance of having the situation or opportunity for a good way of life rather than for a bad one. If she acts well against nature I shall rightly teach that one should take greater account of her than of the woman who does wrong' (6685–94): a curious mix of faith in nature and an acknowledgement of the power of circumstance.

Roberta Krueger rightly stresses that many romances contain ambiguities allowing a space for a female (or indeed male) response which may be at variance with the surface one, and that even purely misogynistic texts may well have been read with resistance as much as compliance (Krueger 1993). By the time it has reached

its conclusion, *Silence* has systematically undermined traditional gender role allocations, whether or not the ending draws a veil of silence over the questions raised. Readers may then choose not to accept a return to received ideas. Moreover, the text opens up issues of alternatives to a binary male–female gender opposition. The transvestism of Queen Eufeme’s adulterous lover, disguised as a nun, may incur disapproval, yet Silence’s cross-dressing works positively in that she subverts nature in a good cause (obedience to her father) and with good results (the restoration of women’s inheritance rights, the exposure of evil, his/her various beneficial acts of prowess). Homosexuality appears negatively in Eufeme’s malicious slander of the ‘boy’ Silence who has rebuffed her seductive overtures; yet the minstrels whose life Silence temporarily shares open up the possibility of an intermediate gender: anxious that if King Eban died women might inherit again and that s/he knows nothing of women’s arts, s/he decides to go abroad with the minstrels and learn skills suitable to a woman’s life: ‘If you are slow at knightly pursuits, minstrelsy will be of use to you. And if the king should happen to die, you will be able to use it to entertain yourself in women’s chambers; you will have your harp and velle to make up for the fact that you don’t know how to fashion a fringe or border’ (2863–9).

Minstrels, like Heldris himself, are marginal figures at court: artists who stand outside conventional boundaries. Another such figure is Merlin: wildman, magician, seer and soothsayer. As a wildman he too escapes the confines of convention. Like a storyteller he has the ability to create illusions and transformations; at the same time he is the knower and teller of truth. Merlin’s interventions at the end of the story may offer a veiled commentary on the apparent closure of the nature–nurture debate. Curiously he embodies its contradictions: his temptation by cooked food is presented as an appeal to nature rather than nurture, when cooked food is the opposite of the natural. Subject to the power of his listeners, he subjects them to the power of knowing laughter and narrative control. The theme of silence, which permeates the romance through Silence’s names, the silencing of her/his gender identity, and the characters’ various disguises and subterfuges, are brought to a climax as Merlin’s tantalising laughter echoes round the court and he is forced on pain of death to speak out, though fearful of his audience’s anger (6308–13). Merlin, who sees and knows everything (literally ‘knows the whole work’), ‘hints quite closely at the pure truth, but the speech is very obscure for it is spoken in a veiled way’ (6408–12; 6486–90). A straightforward reading will interpret this simply as a build-up of narrative tension as the dénouement unfolds and truths about each character come out. But Heldris may be using Merlin to laugh at his listeners’ expense. A narrative closure reverting to a reassuringly familiar mindset may be subverted by irony, not a rare event in medieval romance (Chrétien 1957: 6633–61 and 1961: 6799–6808): a more astute reading might indeed disturb the conservative (6411–12) – but ironic veiling of the truth offers a safety curtain for the author.

The forms of gendered identity explored so far concern the secular life. The religious life offers others to those in a position to take advantage of them. For women outside the nobility it was difficult to enter a convent; less so for men (Lawrence 1991: 216–17; Paterson 1993: 241–3). The *Chanson de Roland* might scorn men who chose monastic life in preference to a military profession, but for intellectuals and sons of the nobility having administrative skills it offered a potentially rewarding career path. Women, too, could wield positions of some power as abbesses and

prioresses, though they were always at a disadvantage in comparison with men. As far as notions of 'the feminine' were concerned, a woman might hope to cancel the stain of Eve's sin by modelling herself on the Virgin Mary, but in Marina Warner's memorable title, the Virgin was 'alone of all her sex', and virgin motherhood was not an attainable goal for daughters of Eve. However, sanctity grew to be a greater possibility in the thirteenth century, with a marked increase in the number of canonised female saints (Bynum 1982: 137). Female saints' lives in Old French and Occitan construct woman primarily in relation to her sexuality (virginity or repentant Magdalene), unlike hagiography dealing with male saints. Her virginity may enhance her value within a masculine prestige system; it may alternatively appear as a challenge to family authority, though from the perspective of a male ecclesiastical establishment. Narratives about virgin martyrs may have been empowering for some women, but as Simon Gaunt has pointed out, this would generally entail the internalisation of a negative view of the female body (Gaunt 1995: 228).

VIOLENCE

Power in gender relations has a good deal to do with the extent to which a culture sanctions the use of violence. Masculinity in vernacular literature is largely predicated upon violence. As a general rule, in this literature, men fight, women do not.³

Vernacular literature tells us quite a lot about violence in gender relations. First, as one might expect, comic genres such as the *fabliaux* sometimes seem to encourage wife-beating (*Sire Hain: fabliaux* II, 402–14), though beaten wives often end up getting the better of their husbands (*Vilain Mire, Tresces: fabliaux* II, 309–47; VI, 207–58). Serious genres of literature such as epic and romance overtly disapprove of violence to women (*Raoul: 1285–1352*, 6061–83; *Daurel* 1971: 760–3, 900–41; *Erec*: 4751–814). Some go further: epics such as *Raoul de Cambrai* and *Girart de Roussillon* depict warfare at enormous length, presumably to the entertainment of their listeners, yet adopt an ultimately ecclesiastical perspective and undermine the military ideologies of the masculine characters by the futility and brutality of their wars and the contrary voices of the female characters (see above). In texts with a less marked ecclesiastical bias, male violence is glorified but contained by chivalric ideals: the romance superman such as Chrétien de Troyes' Lancelot overcomes all opponents, but tempers victory with clemency, restraint and self-sacrifice.

While the idea that chivalric ideals moderated the violence of the knights in warfare and pillaging raids may be subject to scepticism (Painter 1940: 92), noblemen probably did not consider it normal to treat their wives with physical brutality. The case of Marie de Montpellier shows that verbal forms of coercion could be effective. Forced to consent to her husband Pere of Aragon's arrangements for the betrothal of her baby daughter, she documents her declaration that he 'crucified' her with his angry insistence and his threats to the city of Montpellier; but there is no suggestion of physical aggression (Paterson 1993: 238). Eleanor of Aquitaine was imprisoned by her husband for many years, but as far as we know she was not beaten up.

But if medieval aristocratic culture in France did not sanction physical brutality towards women, vernacular literature nevertheless shows a not inconsiderable interest in sexual violence by men towards women. Part of the attraction of female saints' lives lies in the voyeuristic, pornographic contemplation of violence towards

the female body (Gravdal 1991: 24–5; Gaunt 1995: 197). Rape fantasies were a common theme of romance, and comic genres offer rape as an ‘enjoyable’ spectacle (Gravdal 1991: 104).

What we call rape fell into the much broader medieval category of *raptus* or abduction, which comprised the violation of a man’s rights over a woman’s sexuality and included elopement with her consent. It is true, however, that by the twelfth century the victim’s consent to sex was becoming the essential factor in determining the nature of *raptus* and the severity of the punishment (Brundage 1987: index and 209–10, 249). A huge gap separated draconian legal norms, which regularly prescribed the death penalty for the *raptus* of respectable women, from legal practice which made proof almost impossible and punishment mitigated by substitute penalties such as fines or an obligation to marry the victim (Rieger 1988: 245; Gravdal 1991: 1–20).

What does the literary evidence tell us about rape? First, it suggests that it was as much, if not more, a question of one man violating the property of another man as of a man attacking a woman; secondly, that a woman was hard put to it to prove she had been violated, had not led the man on, and had not enjoyed it; and thirdly, that the woman’s interests were likely to be set aside if they were inconvenient to relations between men (Paterson 1993: 240). The *Roman de Renart* is instructive in these respects. Renart the fox is arraigned at the royal court for the rape of Hersent the she-wolf. The rape clearly took place, with her husband witnessing her resistance. However, Hersent is set up textually as a lustful female who previously led Renart on to adultery, so her protestations of nun-like virtue, convincing only to the donkey, reinforce a widespread assumption that women’s testimony is unreliable and that she ‘asked for it’. Emphasis lies on her husband Isengrin’s humiliation rather than any feelings she might have; as a sexual crime the rape is perceived primarily as adultery, hence the violation of the bonds of marriage and Isengrin’s rights, and even these are secondary to issues of Renart’s disturbance of the peace and defiance of the king’s authority. The latter regards the affair as trivial, and Renart as excused if he committed rape out of ‘love’. Arguments among the king’s counsellors demonstrate the obstacles to proof, such as the ease with which a husband can make his wife say what he wishes and the need for corroborative witnesses, as well as individuals’ vested interests and personal grudges. Hersent is labelled a ‘damaged vessel’ and the badger proposes that it would be expedient for the blame to fall on her, to avoid conflict among the barons (*Renart*: 260–72, 346–82, 42–50). The *Renart* stories, it is true, operate within a sinful as well as a comic world where all fictional characters behave badly (Simpson 1996). However, the trial scenes correspond in many respects to evidence available from elsewhere: proof is difficult, women are regarded as suspect witnesses (Gravdal 1991: 74; Rieger 1988: 263–5).

Literature could be a source of pleasurable fantasy about rape for male writers and their audiences. ‘Just as the trial scenes in *Le Roman de Renart* create an imaginary space in which rape can become comic, so too does the medieval *pastourelle* constitute a discursive space in which one can laugh at the spectacle of rape’ (Gravdal 1991: 104). While Occitan *pastorelas* never depict rape as condonable, the Old French *pastourelles* contain a minority of erotic encounters between knights and shepherdesses where a violated peasant girl ends up giggling with pleasure, asking the rapist to come back another time, or contentedly accepting

remuneration (Paden 1989: 331–49; compare Gravdal 1991: 109–21).⁴ Courtly literature, ostensibly promoting non-violent conduct towards women, has its internal contradictions on the subject. Some Old French *lais* allow the fantasy of rape in an other-worldly context: fairies turn out to be willing after all, courtly prescriptive norms of non-violence to women can be flouted with impunity (Gravdal 1991: 44–67; Rieger 1988: 257–8). Romance is often predicated on the exploitation or mystification of rape, the pleasure of saving virgins from rape, or the justification of rape on the grounds that a man had loved a woman for a long time (Krueger 1993: 34; Rieger 1988: 260).⁵

Rather than making it into an attractive spectacle, *La fille du comte de Ponthieu* offers some oblique insight into a woman's experience of rape. The laconic tale leaves many open questions, with silences and cryptic speech forming an integral part of its thematic structure. Nothing genders the impersonal narrator, or the anonymous author, who could equally be male or female.

The nameless protagonist welcomes her father's choice of his poor knight Sir Theobald as her husband. After five years the couple set out on a pilgrimage to Santiago to pray for an heir. Ambushed by armed bandits, Theobald succeeds in killing three of their eight attackers before they overpower him and tie him up. The robbers then gang-rape his wife, declaring this to be compensation for the death of their kinsmen, and leave. Her husband asks her to untie his bonds, but she seizes one of the dead robbers' swords saying 'Sir, I will set you free all right!' and goes to run him through the body. Twisting aside, Theobald manages to free himself as the sword hits his arm. He keeps quiet about the rape and attempted murder, treats his wife with complete courtesy, houses her in a convent until his return from Santiago, takes her back home with a great show of joy and honour, but no longer sleeps in her bed. Despite Theobald's initial reserve, his father-in-law the Count of Ponthieu prises the truth out of him. The Count favours instant violent retribution, but Theobald observes that if the lady were dead she could not corroborate her husband's story. Confronted by her father, she admits to attempted homicide, but is reticent about her motive: 'for a reason that makes me still regret my not having done so'. The Count vengefully seals his daughter up in a barrel and dumps it at sea, to the horror of Theobald and the lady's step-brother. About to expire, the lady is found and released by merchants, to whom she cryptically relates that 'a cruel fate and dreadful crime had brought her to this pass'. Which crime? The rape? Her attempted murder? Her father's cruel punishment?

Sold to the Sultan of Almeria, she avoids further rape by converting to Islam and marrying him so as to 'bow to love rather than duress'. His ardent love soon leads to the conception of a son and a daughter. The Count, guilt-ridden by his sin against his daughter, takes the Cross, in company with his son and Theobald. Shipwrecked on return from the Holy Land they fall into the Sultan's hands, where the lady is in a position to save their lives. Now in control, she interrogates them about their past without revealing her own. As the Count relates truthfully the story of the attack in the forest, the lady reveals her motive for attempted murder:

'[It was] because of the terrible shame he had seen her suffer and be subjected to before his eyes.'

These words moved Sir Theobald to tears and he said, weeping:

‘Alas! where was her guilt therein? Madam,’ he added, ‘as I hope God will deliver me from my captivity, I swear I would never have looked on her less fondly on that account.’

‘Sir,’ she replied, ‘that was not her belief at the time.’

As words flow more freely between the lady, her father, her husband and her step-brother, she at last begins to release her tight hold over her ‘deeply felt emotion’. The dénouement sees them back in an orderly life in Ponthieu with all four receiving penance for their misdeeds, and the rewards of lands, happiness, and heirs.

Was the woman to blame for seeking permission to accompany her husband on the risky journey? Does her austere penance at the end of the tale imply that her sins are particularly bad? If so, is this a judgement on her attempted violence, or her bigamy, or her deception and abandonment of the Sultan and the theft of his son? Or is it a sign of a strict conscience? Was Theobald at fault in his travel arrangements (he could have sent his wife on ahead with the main party), or for not making more effort to communicate better with his wife, to ensure her trust, and to find out the true reasons for her attempted violence? Why did Theobald let out the secret he had taken such pains to hide? Did he continue his courtesies to his wife out of kindness, or simply from self-interest (whereby he wished to avoid shame, and to preserve a source of corroborative testimony to his own in the event of future scandal)? Why did the Count and his son not make more effort to find out the lady’s reasons for her actions?

This ‘exercise in non-communication’ implies, first, that the shame of rape could be appalling for both a woman and her family; secondly, that a woman was likely to believe that she might be regarded as culpable, and that she might have to ‘pay a second time’ (*Ponthieu* 1971: 110–12);⁶ and thirdly, that a great deal concerning rape was simply unsayable. The textual gaps and silences encourage reflection about a taboo subject.⁷

CONCLUSION

Literature is not a closed system of conventions that has no impact upon reality. It articulates codes which allow and encourage writers and their public to think of themselves in relation to others in certain ways, for good or ill. In the case of medieval vernacular literature this public was largely confined to an elite of aristocratic and gentry-aping men and women, and to (primarily male) urban guilds, though epic and liturgical drama may have had a wider impact. Women’s access to literature, whether through reading or listening, was no doubt particularly restricted to the nobility. Given that “‘literacy” is a variable term”, female literacy in the Middle Ages was ‘protean’ (Smith and Taylor 1995b: xi) – though the general picture for medieval Europe as a whole is one of the relative paucity of women’s access to books (Smith and Taylor 1995a: x–xi).

It is not always easy to know how medieval people responded to what they heard and in some cases read, though current work on literary reception through new approaches to manuscript texts and iconography are breaking fresh ground here. There is some evidence that women writers both internalised and showed various forms of resistance to the powerful tradition of medieval misogynistic discourse,

and forms of inscription of women readers in literary texts suggest that male writers could find female listeners enough of a problem to take them seriously. There is also evidence that where women took to writing, they were frequently re-written (if not written out) by editor-scribes: ‘women write themselves, and men rewrite women, with surprising homogeneity across the centuries and the continents’ (Smith and Taylor 1995b: ix).

Recent work on the *dames* and *demoiselles d’honneur* of Isabeau de Bavière at the court of Charles VI in the early fifteenth century tellingly illustrates the power of literature to inflict real damage and promote, on the level of reality, the scapegoating of a group of women (Solterer 2007). The late medieval witchcraft trials amply testify to the power of misogynistic traditions, literary and otherwise, to persecute women. Medieval literature was not just a game.

NOTES

- 1 While William’s songs are the earliest to have survived, some of them may well have been composed in response to lost songs of the ‘school’ of Eble of Ventadour. See Dumitrescu 1968, though his suggested identification of these songs should be treated with caution.
- 2 Her anguish may be partly or wholly rhetorical, to appeal to Abelard’s compassion or sense of guilt. See Clanchy’s complex analysis of her writing and state of mind (Clanchy 1997: 149–72).
- 3 One exception is, of course, the masculinised Silence. Women’s role in siege warfare is acknowledged in *Crotzada*, 113.108–9; compare Christine de Pisan’s advice to baronesses (Lawson 1985: 129).
- 4 While one may not agree with all of Gravdal’s interpretations, her book has unquestionably broken new ground.
- 5 For the blurring of distinctions between forced and voluntary sex in twelfth-century canon law and in literary texts, see Gravdal 1991: 11.
- 6 Compare Gillingham (1997: 52) on the story in Gaimar (late 1130s) of the rape of Buern Butescarl’s wife, who is assured by her husband that she has no need to feel shamed and that he will continue to love and kiss her.
- 7 In the late Middle Ages Christine de Pisan (Lawson 1983: 160–1) argues vehemently against men who claim women want to be raped, and urges the severest punishment of the rapist. Although she rewrites Boccaccio’s version of the story of Lucretia, she is unable to bypass the idea that, however blameless the victim, the shame is unbearable to the point of suicide. For diverse medieval interpretations of the Lucretia story see Rieger 1998: 258–60.

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CHAPTER SEVENTEEN

SYMBOLISM AND MEDIEVAL RELIGIOUS THOUGHT



David d'Avray

An old but good introduction to Social Anthropology suggests that symbolism is, if not the, distinguishing feature of religion (which is not here marked off sharply from magic). On the other hand, we have scientific thought, which tends to mean no more and no less than it seems to say. Apart from knowledge for its own sake, its goals are 'instrumental': it tries to bring about the results it explicitly specifies. Magic and religion work differently. Their real meaning is not what they literally say. Words and actions, and rituals combining the two, stand for things which the anthropological observer may not immediately appreciate: say, abstractions such as 'social solidarity' which the people of a traditional society cannot express in any other way. Expression may be an end in itself, or at least a crucial concomitant of the instrumental function of magical or religious activity. Thus Beattie writes that 'the chief difference between what we call practical, common-sense techniques for doing things, and ritual or "magico-religious" ways of doing them lies basically in the presence or absence of an institutionalized symbolic element in what is done . . . [A] distinction between these two kinds of activities . . . rests simply on the presence or absence in what is done of a symbolic element . . . I have intentionally not distinguished between magic and religion; both imply ritual, symbolic ideas and activities rather than practical, "scientific" ones'. Yet Beattie goes on to observe that '[m]ost modern students of religion would hold, as against Durkheim, that religious belief and practice are more than merely a system of social and moral symbolism' (Beattie 1970: 202, 203, 212, 221).

Most medievalists will find this schema relatively inapplicable to their material, and the scientific/symbolic dichotomy misleading if religion (and magic) are to be stuffed into the 'symbolic' pigeon-hole. When medieval people talked about the Trinity, they were not trying to express something else. They used symbols to understand the Trinity but it was not a symbol itself.

Medieval intellectual life was less 'scientific' than that of the past few centuries in one sense: it was relatively weak on the empirical front. There were plenty of practical innovations (Gimpel 1977), but professional intellectuals tended not to dirty their hands with experimentation. As a result, they achieved nothing like the understanding of the workings of the natural world that has come out of the past

few centuries. (This should not be regarded as some kind of peculiar shortcoming of the Middle Ages. The form of scientific culture which developed in Europe between c.1600 and c.1900, before becoming generally dispersed throughout the globe, is the peculiarity in world history.) It would be arrogant and culture-bound to assume that the modern West's attempt to understand the central problems of existence – e.g., whether there is a difference in kind as well as in degree between humans and other animals, or whether personal identity continues in any way after death – is any more 'scientific' than that of medieval people. Medieval scholars devised a method for analysing these problems: philosophical reasoning based on revealed first principles (i.e. on Scripture, to oversimplify somewhat). In the thirteenth century the idea developed that this kind of theology was a 'science' (Chenu 1957). If we grant their premisses and understand 'science' to include the kind of deductive reasoning still used today by mathematicians and logicians, then their academic productions can indeed be described as scientific. This side of medieval religion was developed with a degree of sophistication which anyone should find extraordinarily impressive, though the findings of scholastic theologians will be unconvincing to anyone who does not share some of their basic postulates.

A CAROLINGIAN EXAMPLE

Thus medieval religion cannot be reduced to symbolism. Still symbolism was a crucial aspect of it. The following examples (Haymo of Auxerre, *Homilia XVIII, Domini- nica II post Epiphaniam*, cols. 126–37; cf. Barre 1962: 48, 49, 51, 54, 67) represent a dominant form of thought both in the Carolingian period from which they are taken and in the medieval period as a whole. Haymo of Auxerre is explaining the gospel reading of the marriage feast of Cana in his highly successful homiliary. Symbolism enables him to bring salvation history into a synthesis. The six water jars in the narrative stand for the six ages of history: for instance, the first stands for the period from Adam to Noah, and the last is the cue for discussion of the circumcision and presentation of Christ in the Temple. Haymo gives a short history of the world in this framework (*Homilia XVIII*, cols. 131–5). In his account of the first age, for instance, we find a fairly full précis of the creation of Adam and then Eve, and their first sin. Haymo says that contemplation of the consequences will be a warning to us. God did not spare those who sinned for the first time. Perhaps he will not spare us, since we have had the experience of the sins of so many others before us to warn us. The person who thinks about this and fears to do wrong finds in the first age of history a water jar full of water ('In prima aetate mundi legimus . . . in prima aetate hydriam aqua plenam', *Homilia XVIII*, cols. 131–2). But this jar full of water is turned into wine if we raise our understanding to a new level. On this level Adam is Christ, formed from immaculate earth (i.e. the Virgin Mary). Eve is the Church. Just as Eve was formed from the side of Adam, so too the Church was formed from the side of Christ when it was pierced by a lance, and blood and water flowed from it ('At vero, si aliquid altius intellexerit . . . hydria, quam plenam invenerat aqua, conversa est in vinum', *Homilia XVIII*, col. 132). Earlier in the sermon he dwells on the fact that the marriage at Cana happened, in the words of the gospel, 'on the third day'. This leads him on to the division of history into (this time) three ages: before the law, under the law, and under grace; to the Trinity; to the distinction

between memory, will, and intellect, and to Faith, Hope, and Charity ('Et bene die tertia . . . major autem his est charitas', *Homilia XVIII*, col. 128). With the speed of dream associations, different elements of the belief system could be rapidly juxtaposed. It is not a linear and logical procedure, but gives free play to a psychological process of mental association that anyone can observe in themselves if they back-track over casual sequences of thought.

A feature of these procedures was that they made it possible to keep the Old and New Testaments close together: particularly important in the Carolingian period, with its 'mentalité vétéro-testamentaire' (though the Old Testament never lost its central place in medieval religion). The train of thought which started from the marriage on the third day and led on to the Trinity, and so on, ended up with the story of Jonah in Nineveh: 'Or the number three is perfect, because we read that when the Lord said to Jonah the prophet: "Go to Nineveh the great city, and you will say to this people, forty days more, and Nineveh will be overthrown" (Jonah 3), and he preached, the king immediately came down from his throne, and ordered the people to make a three-day fast. When that was done, the people gave up their iniquity, and turned to the Lord' ('Sive ternarius numerus . . . conversus est ad Dominum', *Homilia XVIII*, col. 128).

Symbolism was a form of aesthetic and synthetic thought, helping Haymo and his listeners or readers to keep much of their world-view before their minds at any time. Probably this style of religious thought was as important as any other in the lives of Carolingian monks, though I am not aware that the question has been posed squarely or investigated systematically. Symbolism does not get much attention in the chapters dealing with education, culture, theology and the organisation of thought in the volume of the *New Cambridge Medieval History* which covers Haymo's period (Contreni 1995; Ganz 1995). Like the volume as a whole, these chapters are in general admirable. Perhaps symbolism is still regarded by most mainstream historians as a subordinate special aspect of medieval religion and culture, rather than a central part of the system. The subject can hardly be avoided in discussion of the study of the Bible in the Middle Ages (Hamilton 1986: 64–7), though the best historian to treat this theme in depth was more interested in the development of literal exegesis (Smalley 1983, esp. ch. iv; cf. de Lubac 1959–64; Contreni 1995). De Lubac, emphasising the creativity of non-literal exegesis, was a historical theologian rather than a historian, while Contreni emphasised the contributions of the Carolingian Renaissance to literal exegesis (though he notes the allegorical significance of numbers): these contributions were doubtless of great importance, but do they represent the predominant manner of understanding the Bible in the medieval period (de Lubac 1959–64; Contreni 1995: 733–4, 739)? Historians of medieval literature and art cannot avoid talking about symbolism, of course.

HISTORIOGRAPHY

One of the best analyses of the role of symbolism in medieval religion is a book by an art historian, Émile Mâle, published at the end of the nineteenth century: very dated, no doubt, as a study of Gothic cathedrals but still valuable for an understanding of medieval thought and religion (Mâle 1898 (1961)). In the Middle Ages, says Mâle, the world is regarded as a symbol (Mâle 1961: 29). '[I]n each being is hidden a

divine thought; the world is a book written by the hand of God in which every creature is a word charged with meaning. The ignorant see the forms – the mysterious letters – understanding nothing of their meaning, but the wise pass from the visible to the invisible, and in reading nature read the thoughts of God. True knowledge, then, consists not in the study of things in themselves – the outward forms – but in penetrating to the inner meaning intended by God for our instruction' (Mâle 1961: 29). For instance, a nut could be taken to symbolise Jesus Christ: "The green and fleshy sheath is His flesh, His humanity. The wood of the shell is the wood of the Cross on which that flesh suffered. But the kernel of the nut from which men gain nourishment is His hidden divinity." (Mâle 1961: 30, citing Adam of St Victor, *Sequentiae*, col. 1433). Mâle devotes another chapter (Book 4, ch. I) to the symbolic correspondences found between the Old Testament and the New. In the age of 'the Gothic image', as in the Carolingian period, unifying the two Testaments was an important function of symbolism.

It is possible that Mâle influenced Johann Huizinga's remarkable account of the medieval symbolist mentality, since he too refers to the nut as symbol of Christ (Huizinga 1996: 239). In memorable paragraphs, Huizinga points out that

almost every image could find a place in the huge, all encompassing mental system of symbolism. . . . They never forgot that everything would be absurd if it exhausted its meaning in its immediate function and form of manifestation . . . That insight is still familiar to us as an inarticulate feeling in those moments when the sound of rain on leaves or the light of a lamp on a table penetrates momentarily into a deeper level of perception than that serving practical thought and action. . . . In God, nothing empty or meaningless exists . . . everything originating in Him and finding meaning in Him also crystallised into thoughts articulated into words. And thus comes into being that noble and lofty idea of the world as a great symbolic nexus – a cathedral of ideas, the highest rhythmic and polyphonic expression of all that can be thought. . . . Symbolism created an image of the world more strictly unified by stronger connections than causal-scientific thought is capable of. . . . There is ample room in symbolic thought for an immeasurable variety of relationships among things, since anything with its individual qualities can be the symbol of yet other things, and may with one and the same quality, signify quite various other things. . . . Symbolic thought . . . permeates the idea of anything with heightened aesthetic and ethical value'.

(Huizinga 1996: 235–6; 238–9)

Huizinga argued that the symbolic mode of thought was played out by the late Middle Ages (Huizinga 1996: 242, 247). Here he may have been influenced by his general conception of the period as one of decline. Ernst Gombrich argued that Huizinga (and most cultural historians of his time) believed that periods of cultural history each had an inner unity, a sort of centre-point with lines going out to the different aspects of art, thought, and life: a *Zeitgeist* in effect (Gombrich 1969: 29). On this view, the later Middle Ages would be the last phase of a culture's life, and the symbolist mentality would necessarily be involved in the decline, together with everything else.



Figure 17.1 The Marriage of Adam and Eve. Munich, Bayerische Staatsbibliothek, MS. Clm 146, fo. 4r.

Obviously these old classics are not the only concentrated analyses of the symbolist modes of thought in medieval religion. One of the most systematic is that of M-D. Chenu. His essay on 'The Symbolist Mentality' argues that the twelfth century, in which the hard-edged logical methods of scholasticism were turning theology into a progressive scientific discipline, was also a creative age of symbolic thought (Chenu 1969: 99–145). He argues that two streams of symbolic thinking were intermingled. One derived from St Augustine of Hippo. He had analysed symbolism in terms of the human mind's use of signs. The other derived from the Pseudo-Dionysius, who emphasised the real relations of analogy between different things. As Chenu himself points out, both kinds of symbolic thought can be traced back to Neoplatonic inspiration, and 'in the twelfth century and throughout the whole of the Middle Ages, the two strains were continually crossed and are difficult to distinguish' (Chenu 1968: 119–28).

For our purposes, elaborate distinctions between different varieties of symbolism and between symbolism and allegory are probably inessential (Engemann 1997; Leisch-Kiesl 1997). A simple and workable conceptual framework would

be the following. Symbol and allegory bring out perceived likenesses between distinct things. The symbol is not just a conventional sign of the symbolised, but is believed to share a real similarity with what it stands for. However, there is always a conventional element. The likeness can never be complete. If it were, symbol and symbolised would be just two items in the same class, two cases of the same thing. The conventional element consists in seeing the symbol as the symbolised. In some cases the element of convention is very considerable, as when the similarity is merely numerical. When Haymo of Auxerre makes the wedding on the *third* day a symbol of the Trinity and of the trio Faith, Hope, and Charity, convention predominates over similarity. In what is called allegory the proportion of convention to similarity also tends to be high. At the other end of the scale, the similarities between symbol and symbolised (whether the latter is real or perceived) are too far-reaching to be taken in at first glance. Exploration of them can be a source of creativity.

This seems to have been the case with the analogy between human marriage and the marriage of Christ and the Church, or the soul, or between the divine and human natures in Christ. Here symbolism penetrates the hard genres of scholastic theologians and canon lawyers, as an important and neglected book by Tomás Rincón has demonstrated in detail (Rincón-Pérez 1971). It was also the inspiration of a much better-known tradition of commentary on the Song of Songs (Matter 1990, 1992). As we shall see shortly, the symbolism of marriage was also a force capable of transforming the social life of Europe.

We have moved forward in historiographical time from Mâle through Huizinga to Chenu. Analysis of medieval religious symbolism has been taken further by contemporary scholars. George Holmes has shown how it was combined with realism in a new kind of pictorial and literary narrative around the turn of the thirteenth and fourteenth centuries.

The essence of the new narrative was the combination of several separate characteristics. First, a limited grasp of spatial perspective of a distinctly pragmatic kind, . . . intended to give both buildings and figures a fairly shallow space within which they could be placed to front or rear realistically. Second, a highly developed capacity for drawing figures with roundness and weight, especially when they were heavily clothed with folded draperies. Third, a surface design which gave paintings patterns emphasizing the main features of the action which the painting was portraying, for example the emphasis on the direction of the movement of the figures by the patterns of lines in the partially realistic landscape. Fourth, a constant awareness of the allegorical, symbolical, or figural significance of the subjects of the paintings so that, for example, the scene of *Wedding at Cana* might be placed above the *Lamentation* over the dead body of Christ, as it is in Giotto's Arena series, because Christ's miraculous conversion of water into wine foreshadowed the eucharistic conversion of bread and wine into his body and blood as a result of the passion.

(Holmes 1986: 209–10)

Holmes draws a parallel between Giotto and Dante. The poet too combined 'realism and symbolic suggestion' (Holmes 1986: 262).

Some of the most interesting ideas about symbolism have come out of gender history. Caroline Walker Bynum has suggested that there was an asymmetry between the use of gender symbolism by male and female writers. The symbolism of 'gender reversal' made a powerful point for men. For instance, 'Richard Rolle underlined his conversion and his rejection of family by fashioning hermit's clothing for himself out of two of his sister's dresses' (Bynum 1991: 36). Male biographers of women use the same kind of symbolism, so that this description of women as 'virile' is a spiritual compliment (Bynum 1991: 38). On the other hand, '[w]omen either describe themselves as truly androgynous (that is, they use male and female images without a strong sense of a given set of personality characteristics going with the one or the other gender) or as female (bride, lover, mother)' (Bynum 1991: 39). This thesis may need more testing but it is undoubtedly elegant and attractive.

The role of gender reversal in symbolism has also been explored by Barbara Newman. She points out that in the tradition of bridal mysticism the monk had to play the female role: Christ is bridegroom, the monk is bride. Female mystical writers do not necessarily take on the same female role, for 'some women forged a more complicated, less stereotypical way that allowed them a wider emotional range' (Newman 1995: 138). They adopted the language of *fin'amour*, courtly love, and took on the role of the *amie*. 'Like the bride in the Song of Songs tradition, the *amie* is already part of a couple and thus to some degree fulfilled in love. But her role is more heroic and uncertain, less maternal and nurturing' (Newman 1995: 145).

These recent studies of symbolism use the language of art- or literary criticism. They give medieval religious symbolism its due: it was a complex and sophisticated form of thought. To understand it, the historian must not be afraid of sophisticated analysis.

CHRONOLOGY

How are all these individual scholarly insights to be synthesised? The foregoing discussion has been piecemeal and historiographical precisely because a convincing synthesis of the history of religious symbolism in the period is not yet possible. Nevertheless one may propose a rough and ready framework for others to improve. In the early medieval period, symbolism was all-pervasive but derivative in the interpretation of nature and scripture. It may be guessed that symbolic interpretation substantially outweighed literal interpretation in scriptural exegesis, at least in purely quantitative terms, but that most of the symbolism could be traced back to patristic writings – though we should not be surprised to find originality, especially with a writer such as Bede or in the later Carolingian Renaissance.

In the twelfth century, symbolism's prominence was relativised. The literal sense of the Bible was investigated much more seriously, most notably by Beryl Smalley's heroes, Andrew of St Victor and Herbert of Bosham, both influenced by Jewish scholarship (Smalley 1983, ch. iv; Smalley 1973: 83–5). The incipient scholastic method was deployed with startling intelligence. Greek and Arabic science began to put the understanding of the natural world on a new footing. Nevertheless symbolism did not lose out. It too entered a creative phase. It was Chenu's achievement to have brought this home. In addition to the aspects on which Chenu concentrated, particular mention should be made of the galvanisation of the bridal mysticism tradition by Bernard of Clairvaux.

In the thirteenth and fourteenth centuries, symbolism and literal understanding were in equilibrium to a remarkable degree. In the preaching of the friars it could not be said that either predominates. In a different genre, Pierre de Limoges's treatise *On the Moral Eye* may be symptomatic of its age. It is a combination of scientific analysis and moralisation (i.e. symbolic applications of the scientific exposition). Neither is perfunctory (d'Avray 1985: 279 and n. 4). The balance between realism and symbolism which Holmes found in Giotto and Dante fits this schema well.

The jury is still out on the question of whether 'symbolism was in decline' at the end of the period. As argued above, Huizinga's view may have been overinfluenced by his conviction that medieval civilisation had as it were an individual identity and that it was near the end of its time. An alternative model would be that symbolism continued to flourish until the sixteenth or seventeenth century. It may be tentatively suggested that the Protestant emphasis on the literal sense of the Bible may have penetrated Catholic attitudes also, at the expense of interest in symbolism and allegory. Furthermore, the development of serious empiricism in natural science may have crowded out symbolic moralisation. These are crude schemata, however, scaffolding to be kicked away as soon as possible by a more serious and sustained synthesis.

CAUSE AND EFFECT

Up to this point I have confined myself to interpretative description rather than analysis of causes and effects. After a generation of 'hermeneutic' anthropology, dominated by the approach of Clifford Geertz, one need not be apologetic about description. All the same, it is natural for a historian to proceed to the analysis of causes and effects.

To begin with causes: a banally obvious explanation of the prominence of symbolic thinking is its prominence in medieval Christianity's sacred book, the Bible. In Ephesians 5, for example, the union of husband and wife is a symbol of the union of Christ and the Church. In this passage the symbol (human marriage) seems to be part of the message as well as a vehicle for it. In the Old Testament, symbolic language movingly expresses feelings about the people of Israel. To give a single example: 'Go and cry in the ears of Jerusalem, saying: "Thus says the Lord: I have remembered you, pitying your youth and the love of your espousals, when you followed me in the desert, in a land that is not sown"' (Jeremiah 2: 2).

Even so, the symbolist mentality's genesis cannot be explained by the Judaeo-Christian tradition alone. The roots in pagan antiquity are deep (Doerrie 1969: 11–12). The search for meanings below the surface in Homer may have origins in the Orphic movement of the sixth century BC. The veiled meaning of the Delphic Oracle's answers or of the Eleusinian mysteries encouraged the idea that the literal surface stood for something beyond it (Doerrie 1969: 2–3). But it was in the post-Augustan period that the symbolist method came into its own, with the help of both Stoic and Neoplatonic philosophy. Analogy became the key to understanding the world. Surface manifestations were mined for hidden meaning. This is the thought-world of second- and third-century writers such as Plutarch, Gellius and Macrobius (Doerrie 1969: 4–7).



Figure 17.2 The Marriage Feast at Cana. Paris, Cathedral of Notre-Dame. Choir screen (detail) thirteenth century. Bildarchiv Foto Marburg.

In one respect the symbolist mentality of the Middle Ages does owe more to Christian than to pagan antiquity. Historical symbolism is conspicuous by its absence from most pagan classical writers. The conception of Old Testament history as a type or foreshadowing of the New Testament cannot easily be traced back to classical pagan symbolic thought. Plutarch comes close to it with his parallel lives, but he is untypical (Doerrie 1969: 7).

The concept of the Old Testament as a type of the Christian era can be traced back to passages from the New Testament itself (Mâle 1961: 133–43), but the systematic creator of this tradition of interpretation would seem to have been Origen; from him, the train of influence has been traced via Hilary, Ambrose, Augustine, Gregory and Isidore into the mainstream medieval tradition (Mâle 1961: 134–8).

Why did patristic and medieval religious writers find the method so appealing? The symbolism of nature helped them to make sense of the world. More important, it helped them to make sense of the Bible, and especially the parts of the Old Testament that seemed otherwise irrelevant or even shocking to Christians (Hamilton 1986: 65–6). It was noted above how symbolism enabled Haymo of Auxerre to bring the two Testaments together within an aesthetic synthesis. It provided an instrument of great aesthetic power, whose appeal extended beyond the elite of highly educated clergy. Sermons and vernacular literature brought the creations of symbolic thinking to a wide public.

Did it hamper the development of a more rigorous literal exegesis? Probably not much. It could be argued that literal exegesis did not make its breakthrough as an intellectual discipline until the nineteenth century (if one leaves aside Bible translation).

It was then that historical exegesis on the one hand, and serious reflection about literary forms on the other, opened up new perspectives into the meaning of the Bible. Symbolic interpretation had been in retreat for centuries before this happened.

Our discussion of causes has turned into speculation about effects. One effect of symbolic thinking stands out, as different in kind from anything discussed so far: the effect of marriage symbolism. The ultimate starting point of the story should probably be the comparison between Christ's union with the Church and a marriage in Ephesians chapter 5, but the proximate starting point would seem to be St Augustine of Hippo. He left the Latin Church a strong and explicit doctrine of the indissolubility of marriage. He did not find indissolubility in Roman Law. Symbolic reasoning seems to play a large part in his doctrine. If marriage represented the union of Christ with the Church, it had to conform to what it symbolised. It had to be unbreakable to perform its representative task properly (Kuiters 1959: 5–11; also Reynolds 1994: ch. XIII; Gaudemet 1989, ch. XII, esp. 567–9). Augustine's reasoning does not appear to have had much obvious effect for centuries. In the pre-Carolingian period it is remarkable how little even churchmen seemed to worry about indissolubility. In the Carolingian period and afterwards churchmen and others did worry about it, but on the whole men still found it easy to change wives.

In the twelfth century this kind of symbolic reasoning is taken up by influential scholastic theologians, notably Peter Lombard (Rincón-Pérez 1971: 179–89). The crucial development was its impact on Lothario Segni, who became Pope Innocent III at the end of the century. Innocent closed the main loophole through which men had escaped from marriages in the preceding century: he reduced the number of forbidden degrees of consanguinity and affinity from seven to four, and tightened up the requirements for proof in annulment cases. He also took an unbending line even with kings who sought an annulment: most notably with Philip Augustus of France. One argument tried by the French king was that his marriage to Ingeborg of Denmark had not been consummated and that Ingeborg intended to enter a religious order. Innocent was sceptical on both counts, but he liked to tease out the theoretical issues in concrete cases and took the trouble to explain why it was consummation rather than consent that made marriage indissoluble:

since, just as the mingling of the sexes denotes the union between the Word and human nature, since the Word was made flesh and dwelled among us, so too the consent of souls signifies the love between God and the just soul, since he who cleaves to God, is one spirit with him; and therefore just as the bond of union between the Word and human nature cannot be put apart, so too the conjugal bond between husband and wife cannot be dissolved while they are alive, after they have been made one flesh through the mingling of the sexes; but just as the glue of charity between God and the soul is often dissolved, so too can a conjugal connection be put apart when only the consent of souls exists between the husband and wife.

(Innocent, Ep. 182, PL 215, col. 1494; cf. Imkamp 1983: 224, n. 130)

Innocent was not convinced by the evidence for non-consummation and refused the annulment. The interest of the passage quoted is that it shows how much his thinking about indissolubility was bound up with symbolic reasoning.

Innocent was a politician, but he took ideas seriously. In this case (and others) convictions seem to have mattered more to him than expediency. (The unlucky queen's father was the king of Denmark, but what was Denmark compared with France?) After Innocent it was very difficult to get an annulment, and by comparison with the preceding period it seems to have been relatively uncommon to try. Probably Innocent's hard line in high-profile cases had sent a message. His changes in the marriage law had made it much harder to find a case. By this time the Church courts controlled marriage law, which certainly had a big impact on social practice. In this case at least, even though it took centuries, symbolism was a force capable not only of understanding but of changing the world.

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CHAPTER EIGHTEEN

SEXUALITY IN THE MIDDLE AGES



Ruth Mazo Karras

Tracing the history of sexuality in any historical period encounters two major problems. One is a problem of source material. The sexuality of a particular individual is a part of that individual's subjective experience, which is often unrecoverable. Sexuality as a larger field, the set of larger meanings a given culture constructs around sexual behavior, only exists for us through texts and images created for purposes other than providing information to future scholars. The second problem involves categories. We inevitably think within the categories of our own culture. Where modern Western schemes of categorization put a great emphasis on the gender or age of one's partner, medieval schemes put more emphasis on whether one played an active or passive role. "Active" and "passive" did not mean pursued and pursuer; a woman could be very aggressive, but was still considered the passive partner in intercourse because she was the one penetrated.

There is no such thing as "the medieval attitude" towards sex (behavior) or sexuality (the meanings placed on that behavior). Even within the church there was a variety of views, and although one (which held that sexual desire was a threat to salvation) came to dominate, it never completely permeated the culture. Muslims and Jews had their own attitudes, and their respective communities monitored their behavior in different ways. Some Christians did not entirely accept the church's teaching, because they had a different mental rulebook or because they simply chose to ignore the rules. In a society where most writing was for public consumption, some aspects of intimate life were never discussed. When they were, it was most often from a masculine point of view. Medieval texts tend to speak of sex as something one person does to another (Karras 2012: 3), so even when men and women engaged in sexual activity together, their experience of it could be quite different.

CHASTITY

The fundamental distinction in the Christian Middle Ages was between those who were sexually active and those who were chaste (not the same thing as celibate, meaning unmarried). For the majority of people today, virginity or chastity is not an identity, orientation, or way of life; it is a circumstance appropriate to a particular

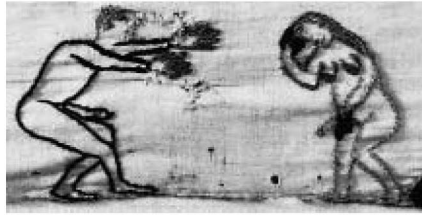


Figure 18.1 Man reaches out for woman. Detail of Bayeux Tapestry, Musée de la Tapisserie, Bayeux.

life stage. In the Christian Middle Ages, however, virginity was not only a life stage (although remaining a virgin until marriage was certainly valued) but also a highly respected calling, one might say a state of the soul. It was not necessarily a goal for everyone, but it was a distinct sexual identity and perhaps even an “orientation” (Mills 2015: 243–46). Among mainstream Jews and Muslims, on the other hand, virginity as a lifelong status was not desirable. Rabbinic authors feared the *yetzer ha-ra* (evil impulse), which they understood as sexual, but their answer was usually to keep it within bounds rather than to suppress it (Boyarin 1993: 61–76). Sufis in Islam encouraged celibacy, and the Jewish Rhineland pietists of the twelfth and thirteenth centuries (Hasidei Ashkenaz) expressed some of the same concerns about sexual activity as Christians did, but the mainstream urged marriage and reproduction (Cohen 1989: 166–220).

Throughout the Middle Ages – indeed, from the beginning of Christianity – Christians argued about whether sexual intercourse could ever be anything other than a sin. For some, marriage was a lesser evil, permissible because not everyone could be expected to maintain strict chastity. While Jesus himself in the Scriptures did not put a great deal of emphasis on sexual abstinence, he did refer to “those who have made themselves eunuchs for the sake of the Kingdom of Heaven” (Matt. 19:12), implying that the rejection of sex (either literally or metaphorically) was of high spiritual value. Paul, in his epistles, paid more attention to the question of abstinence. He grudgingly allowed that “it is better to marry than to burn” (1 Cor. 7:9).

Several reasons determined the emphasis on sexual renunciation in early Christianity, where asceticism became more mainstream than it had in Hellenistic pagan and Jewish culture. Some Hellenistic philosophers taught that interest in sex could tie one to the concerns of the body and the world and distract one from the things of the mind. Early Christianity followed up on this with a spiritual ideal that required the rejection of the body and its needs (Brown 1988). Later, Christianity added to this the notion of purity (Elliott 1999). In early Christianity women took up the notion of virginity for another reason, independence from male domination and from the dangers of childbearing. Because marriage was the only acceptable sexual activity for women, rejection of sex meant rejection of control by a husband. The spiritual authority chaste women amassed could help them gain their independence from fathers and brothers as well (McNamara 1983).

Mainstream Christian teaching on sex owed a great deal to Augustine of Hippo (354–430). Particularly in response to the dualist Manicheans, who claimed that the

body and therefore all sexual intercourse was evil, Augustine held that sex within marriage for purposes other than pleasure – to have children, to prevent one's spouse from falling into sin – was acceptable, even a positive good. However, chastity and especially virginity were always preferable. Augustine was highly influential in the Middle Ages, but medieval writers believed that no sexual act, no matter how conjugal and procreative, could be accomplished without concupiscence (sinful desire), and even those canonists and theologians who argued against this position were deeply suspicious of intercourse (Biller 2000: 111–124). Some medieval theologians, and certainly preachers and literary authors like Chaucer, were influenced by Jerome's treatise *Against Jovinian* (395), a diatribe against marriage (and against women). Both Jerome and Ambrose of Milan (340?–397) stressed that virginity could take women out of their socially defined gender roles.

Choosing chastity, for Christians, meant taking up a particular way of life (Parish 2010). Men could become monks or secular priests and women nuns; all were required to be unmarried, although priestly celibacy was not fully enforced until the twelfth century and even after that point many priests lived with partners who were not considered wives. Widows or widowers as well as the unmarried could join religious orders, and even the married could do so if both spouses agreed. By the later Middle Ages, other options appeared. Men could become mendicant friars who traveled and preached. Women, especially in the Low Countries, could join the Beguines, who lived in groups without undergoing the enclosure of nuns; they could also become Franciscan or Dominican tertiaries, lay affiliates of a religious order, some of whom lived together in communities. Throughout the Middle Ages, both men and women chose to become recluses or anchorites/ anchoresses, living on their own. These options might offer women (and men) more autonomy than marriage or the cloister. While they did not necessarily focus on chastity, they required it.

Early Christian writers praised chaste widowhood as well as virginity. Medieval writers, too, valued the renunciation of sexual activity even among those who were not virgins: widows, repentant fornicators or prostitutes, and even the married who agreed to live chastely with their spouses. Virginity, especially for women, remained somewhat different, because it implied a certain bodily integrity that once lost could never be regained. Medieval texts, however, were far from unanimous in emphasizing physical integrity, and virginity as a state of the soul – what we today might call an identity – remained far more important, for men and women both (Arnold 2003).

Most of what we know about the chaste in the Middle Ages comes from their biographies – hagiography or saints' lives. These texts attempted to persuade the audience that their subject was indeed a saint, and to provide examples for believers to emulate. Most early medieval saints were monks or nuns, whose chastity was assumed rather than a noteworthy achievement. For those saints in the secular world, virginity was not as important an issue as it later became. A saint engaged in sex as little as possible, but to be married and have intercourse in order to conceive children did not detract significantly from sanctity except insofar as it distracted her from a focus on God.

With the emergence of the church reform movement of the eleventh century, which promoted the enforcement of clerical celibacy, a new rhetoric of chastity emerged, drawing on early Christian writings about the evils of sex and marriage and the importance of ritual purity. Chastity now became a more important distinguishing

feature of those who had chosen the monastic life, and the same standards expected of monks came to be expected of secular priests as well. Especially for secular clergy living among sexually active people, chastity of the body required constant vigilance (McLaughlin 2010: 16–49). Although intended for the clergy, the writings that encouraged this vigilance affected the laity too.

The stricter enforcement of clerical celibacy also promoted an already existing pattern: the division of society into those intended for marriage and those intended for chastity. Not everyone with a calling to chastity was able to maintain it – economic need or family pressures might force them into marriage – but some maintained it even within marriage, either by submitting to sexual relations only reluctantly, or persuading their spouses to forego them altogether (Elliott 1993). (According to the church doctrine of the “marriage debt,” however, neither spouse was allowed to deny the other sexual intercourse outright.) The church did not especially encourage chaste marriage, in part perhaps because it threatened the boundaries between clergy and laity. Perhaps, too, churchmen thought that the availability of this choice would encourage women to rebel against their husbands.

From a medical point of view, sexual abstinence might be considered harmful, both for women and for men (Cadden 1993: 259–77). Medieval medical theory stressed moderation and balance. Overindulgence in sex could be harmful, but abstinence could lead to a harmful build-up of semen (which many thought was a product of blood, secreted by both men and women). Some diseases were thought to be specific to virgins and curable by sexual intercourse.

Medical texts also provide an interesting perspective on chastity of soul. Theologians generally concluded that being raped did not make a woman unchaste, as long as she did not consent or take pleasure in it. Some medical writers believed that pleasure for women as well as men led to the emission of seed and was therefore necessary to become pregnant. However, it was possible to receive physical pleasure



Figure 18.2 Nun harvesting penises. *Romance of the Rose*, mid-14th century, Bibliothèque nationale, Paris, MS Fr 25526, f. 106v.

from intercourse without consent of the will. A higher virtue, though, was to subject one's flesh to the will so that an involuntary emission of seed – whether nocturnally, or as a result of rape – would not be possible.

Chastity of soul required a constant fight against temptation, a battle that very few could permanently win. By the central and late Middle Ages, sex was the temptation from which people prayed to be delivered. The all-consuming nature of that battle meant that the chastity so heroically won – or the miraculous state of non-temptation that God could grant to a chosen few – could dominate the person's life. In effect, it became a sexual identity, an important part of the way they defined themselves as persons and others defined them.

As recompense for the human relationships they had renounced, the chaste could have a special relationship with God. Medieval texts depict both men and women as passionate lovers of Christ and of Mary. Chastity was not anti-erotic; it was achieved not by repressing but by redirecting desire into spiritual rather than carnal avenues.

MARITAL SEX

The idea that women needed to emit seed is one of the few clues we have to the practice of marital sex. If a husband wanted children, he had to make sure that his wife took pleasure in sexual intercourse. Some medical manuals counseled foreplay, for example caressing the women's breasts, for that reason. Medical theory derived from the Muslim medical writer Ibn Sina (Avicenna) but common in Christian Europe as well, also held that women derived pleasure from being penetrated and from receiving the men's seed, and these ideas reinforced the notion of female passivity. Arabic medical texts encouraged foreplay, but specifically to give pleasure to the man and thereby increase his sperm production (Kuehny 2013: 64). Texts of the Jewish Rhineland Pietists encouraged husbands to fulfill their wives' desire to make them more likely to conceive sons (Biale 1992: 78–79). Stories like the French *fabliaux* show women who exhaust their husbands with their insatiable demands for sex, but the pleasure that they lusted for was a passive rather than an active one.

Medieval texts other than medical ones do not spend much time describing the normal parameters of marital sex. Both texts and manuscript illuminations treat the position of man on top as normal and natural; indeed, the thirteenth-century writer William Peraldus referred to any other position as a form of sodomy (Lochrie 1998: 84–86). A Jewish midrash (story explaining the Bible) from the ninth or tenth century recounts how Lilith, Adam's first wife before the creation of Eve, fled and was turned into a demon because Adam refused to allow her to be on top during intercourse (Baskin 2002: 58–59). Manuscript illuminations depict people going to bed naked, but nevertheless typically present marital sexuality as appropriate and not excessive (Wolfthal 2010: 13–41). The theme of one woman substituted for another on the wedding night appears in literary sources frequently enough to indicate that married people commonly had sex in the dark, but here too the needs of narrative may take precedence over actual practices. Married couples would sometimes not have had a great deal of privacy. Peasant couples might share their bed, and certainly their room, with several children. Among the aristocracy, servants might sleep in the room, although bed curtains did provide some degree of privacy. Among the upper

aristocracy husbands and wives had separate bedchambers, so all the servants would be aware when they were sharing a bed.

By the twelfth century the church had effectively claimed jurisdiction over the law of marriage, although all churchmen did not agree on it any more than all lay people did. Various church courts decided which marriages were acceptable. Sexual intercourse played a complicated role in the formation of marriage. The canonist Gratian, in his great compilation the *Decretum* (mid-twelfth century) argued that the completion of marriage required consummation. The theologian Peter Lombard, author of the *Sentences* (1145/51), which became the most important theology textbook of the Middle Ages, on the other hand, held that not intercourse but mutual consent created a marriage, which was binding even if intercourse did not take place. Both parties, however, had to be capable of contracting marriage. If one was incapable of sexual intercourse, the marriage was not valid (Rider 2006).

The idea of marriage as constituted by consent grew out of the view that marriage was not primarily a means for engendering legitimate children, providing an outlet for lust, or creating social and economic ties between families, but was a calling, an identity or status in life. Nevertheless, outside of the programmatic writings of theologians and canonists, medieval Christians generally understood marriage as being for the purpose of reproduction. Within Islam, too, procreation was seen by religious scholars as the main purpose of marriage (Giladi 2015: 33).

Christian theologians and canon lawyers agreed that a married couple could have sex for other reasons than procreation – to pay the marriage debt, to prevent the temptation to engage in extramarital sex, or even to increase love between the spouses. A couple could have intercourse at times when the woman was believed to be infertile, or after she had passed the age of childbearing. Actively doing anything to prevent conception, however, was seriously frowned upon within Christianity (Biller 2000: 135–212). Augustine had written, in a passage frequently cited in the later Middle Ages, that if a man were to have unnatural sexual intercourse it would be better to have it with a prostitute, who was already corrupt, rather than with his wife.

Although the degree of emphasis placed on the sinfulness of contraceptive practices varied, no medieval Christian theologian or canonist wrote that they were permissible, even when the life of the woman was at risk from further childbearing; they urged abstinence instead. Some contraceptive methods, herbal or barrier, may have been effective enough to have a statistically significant effect on population. Jewish authorities permitted contraception under some circumstances – for example, to protect the health of the woman – and Muslim jurists were even more lenient, since they did not believe that reproduction was the only purpose of sex (Musallam 1983; Giladi 2015: 35, 149). It was, however, a primary goal, and a woman who transgressed sexually, according to interpreters of the Qur'an, could be made barren as a punishment (Kueny 2013: 46–47).

The church hedged marital intercourse about with prohibitions relating not only to reproductive intent, but also to particular times and places. The penitentials of the early Middle Ages were particularly restrictive about the dates on which one could legitimately have sexual intercourse. Less than half the days in the year would have been permissible: Sundays, Wednesdays, Fridays, many holidays, and all of Lent were days for abstention, as well as the woman's periods of menstruation, pregnancy and lactation (Brundage 1987: 162).

Although either partner was required to render the marriage debt upon demand, and women who refused their husbands sex were condemned, there is remarkably little evidence of husbands enforcing their right to marital sex by violence. Medieval lawyers would not have called this rape, because the woman had no right to withhold her consent. Court records and literary accounts speak of wives being cruelly treated and beaten, but coerced intercourse is not mentioned; this hardly means such violence never took place, but perhaps indicates that people did not see it as a prominent problem or simply accepted that a woman had no right to refuse.

Medieval Jewish society had different rules about opportunities for marital sex. The Talmud prohibits a man from forcing his wife to have sex with him; it also permits marital sex even when not procreative. A Jewish wife did have the right (called *onah*) to sexual intercourse with her husband; this was comparable to the Christian doctrine of the marriage debt, but only women could demand it. Jewish culture did have one very important, universally acknowledged taboo. A woman was considered unclean during her menstrual period; after her period was over she had to wait a week and undergo a ritual purification by visiting an immersion bath (*mikveh*) before she could have intercourse with her husband. Rabbis criticized women who refused to go to the mikveh until their husbands fulfilled some condition. When a woman visited the mikveh, everyone knew that she and her husband would be having sex that night (this was considered a particularly likely time for the conception of a child). This was not considered shameful as it was in Christian society.

In both Jewish and Christian society, marital sex was understood as something that a husband did to his wife. The nearly unanimous use of language for intercourse in which the man is the grammatical subject and the woman the object – even when it is a woman who is speaking – reflects a pervasive understanding that the man’s and the woman’s experience of sex was very different.

MEN OUTSIDE OF MARRIAGE

Men’s and women’s experiences outside of marriage were also quite different. Men’s sexual transgressions were often taken far less seriously than women’s were. This did not mean that within medieval culture men were free to do whatever they wished sexually; many church authors condemned both men and women for sexual activity outside of marriage, and local communities might see men who had mistresses or patronized prostitutes as less than honorable, and men who had sex with other men as deeply sinful. Nevertheless at all levels and in all segments of medieval society men had considerably more latitude than women did, and their activity outside of marriage with members of the opposite sex reaped less opprobrium than women’s.

While it is possible to classify men’s sexual activities outside marriage as those involving women and those involving other men – and this section treats them sequentially – it is not possible to classify the men involved as heterosexual or homosexual. Medieval natural philosophers and medical theorists discussed whether some men were naturally disposed to be receptive to anal penetration (Cadden 2013), but for men who played the “active” role, the sex of the partner was considered a matter of taste or choice, not a fundamental aspect of identity. Sodomy was not opposed to “heterosexuality,” a concept which did not exist; it, and other forms of forbidden sexual behavior, were opposed to procreative sex within marriage (Lochrie 2001: 90–1).

Literary depictions of men in love tend to be more frankly sexual than those of women: men speak of enjoying their ladies more than vice versa. Achieving the beloved (“plucking the rose” in the metaphor of the thirteenth-century French writer Jean de Meun) was part of a whole complex of masculine performance. But the mental structure in which the woman’s sexual favors are something to be achieved by the man and granted by the woman reflects a real power differential between men and women, where women needed men for their economic support and physical protection, whereas men needed women for the reproductive possibilities they provided. It also reflects a medieval understanding of the modesty appropriate to a woman.

Although literature occasionally depicts women as sexual aggressors, men more often play that role. A belief that women are more lustful than men is not necessarily incompatible with a pattern in which men take the initiative; women may have much greater incentive to control their desire (fear of pregnancy or loss of reputation). Sex had fewer dangerous consequences for men, although medical writers did believe that overindulgence, whether due to intercourse or masturbation, could lead to illness (Cadden 1992).

The hierarchical nature of society offered some men many sexual opportunities outside of marriage. Men of the aristocracy had mistresses as well as more casual sexual encounters, and valued the children they had with them. Some scholars have confused *gynecaea* or women’s weaving workshops on large estates of the early Middle Ages with harems, because lords expected to have sexual access to the unfree women who worked there. Although the *droit du seigneur* or “right of the first night” is a myth (Boureau 1998), lords could rape peasant women with near impunity, and literature like the French *pastourelle* poetry celebrated these encounters (Gravdal 1991). Householders or their sons often saw their domestic servants as fair game. In those medieval societies in which slavery was practiced, men often bought or used women slaves for sexual purposes (Karras 2012a: 80–100). Medieval courts rarely heard accusations of rape of a servant by her master, but that does not mean that such relations were consensual; it could mean that the woman simply had no recourse against coercion, whether economic or physical. In situations where the couple remained sexual partners over a period of years and had children together, even if she must eventually have consented or at least become resigned to the situation, this does not mean that the man never brought pressure to bear.

Under Muslim law, a man was permitted to have sex with his own slaves. A slave who bore a child to her master received special privileges, including her freedom at her master’s death. Because Christian jurisdictions prohibited such relations (although they were still common in practice), there were no legal protections for the women involved as there were under Islam. The same sexual access to persons of lower status may have held true for male–male sexual relations. In the case of aristocratic women, however, their sexual access to servants was not assumed, and indeed under some laws of the early Middle Ages a free woman who had sex with a slave could herself be enslaved.

Medieval authors were not concerned with drawing a line between persuasion and coercion, seduction and rape. Rape was a concern if the victim was the wife or virgin daughter of a respectable man. Otherwise, her consent did not really matter. Rape could be an assertion of the social hierarchy, in which the men at the top could do as they pleased, or it could be an assertion of the gender hierarchy, as in

fifteenth-century Dijon, where an epidemic of gang rape served to punish women who had transgressed sexually in some way (including remaining alone after being widowed or abandoned by their husbands) (Rossiaud 1988).

Sex between men, like that between men and women, was something that one person did to another. The active and passive partner were engaged in different types of activity. Court records describe the act as “A committed sodomy with B,” not “A and B committed sodomy.” If both played an active role, they might say “A committed sodomy with B and B with A”; it was not something they did together, but something they did to each other by turns. Because sex was understood to involve one partner in a position of domination over the other, relations between men were often cast as age-imbalanced. Where we have court records, passive partners did tend to be younger; but they may also be depicted as such to emphasize either the sinfulness of the act, or its potential for symbolizing spiritual relations (Rocke 1996: 115–117; Mills 2015: 236–39).

Sodomy was, in most medieval schematizations, the worst of the sexual sins. Treatises on sin called it “the unmentionable vice” or more commonly “the sin against nature” (the latter did not always mean sodomy but was often used synonymously with it). Sodomy did not only refer to sex between two men (Mills 2015: 11–13 and *passim*; Burgwinkle 2004: 19–85). It was against nature because it was sterile, and it could refer to any sort of non-procreative intercourse, occasionally including heterosexual intercourse with the woman on top, which medieval people thought inhibited conception (Lochrie 1998: 84–86). Sodomy not only undermined the procreative purpose of intercourse, it also upset the gender order because it put men in the passive or women in the active role.

Much of the time – but far from always – “sodomy” was used to mean anal sex between two men. A variety of legislation and penitentials attacked the practice in the early Middle Ages, but the medieval critique of sodomy really began with Peter Damian (1007–1072). Damian associated sodomy particularly with the clergy (Jordan 1997: 45–66). Others too made this association, perhaps because of their celibacy, perhaps because monasteries created opportunities for close relationships between men. Priests and monks throughout the Middle Ages were satirized for their heterosexual adventures, but also for their love of boys, and by the fifteenth century the English heretical sect of the Lollards criticized the doctrine of clerical celibacy precisely on the grounds that it promoted sodomy (Dinshaw 1999: 55–99; Linkinen 2015: 128–35).

Medical writers did not necessarily consider sodomy against nature, some holding passive sodomy to be “natural” for some men who had peculiarities of the genitalia that caused them to receive pleasure from the reception of seed (Cadden 2013). This argument, however, did not lead to an understanding of a sodomite as a biologically determined particular type of individual. For the active man, medical theory generally held that the discharge of seed in moderation was necessary for good health, but there was no medical theory that discussed a preference for a woman or man as the receptacle.

Although any man could commit sodomy, with a man or woman as partner, and the Middle Ages had no concept of “the homosexual” as a type of person, some men had clear preferences for one gender or the other. The most famous with a preference for men was probably Edward II of England (r. 1307–1327), who had notorious

relationships with at least two male lovers, and according to chronicles was eventually murdered by a red-hot poker up the anus. The fact that Edward was also married and fathered children does not tell us much about his sexual preferences or desires; as a king, he had an obligation to the dynasty to reproduce. But he also fathered at least one illegitimate child. This does not mean that he was “bisexual,” another concept unknown to the Middle Ages. It does mean medieval people did not assume that men who desired or engaged in sex with other men had an exclusive preference. Legal records show us that not only did many married men have sex with other men, but the same men had sex with men and with female prostitutes.

The Italian metropolis of Florence in the late fourteenth and fifteenth centuries provides the most information about sodomy, both from the fiery sermons of the friar Bernardino of Siena (1380–1444) and from the records of the Office of the Night, a municipal body established in 1432 to regulate and punish what the town saw as a sodomy epidemic (Rocke 1996). As Bernardino described it, sodomy involved an older man as active partner and a teenage boy as passive partner. He accused boys of inviting sodomy by wearing effeminate and elaborate clothing, and families (particularly mothers) of encouraging it by letting their sons dress up in order to gain the attentions of a wealthy lover. The Office of the Night encouraged people to place anonymous denunciations of sodomites in boxes strategically placed all over town. The resulting accusations show that active partners were typically in their very late teens or their twenties; by contrast, only three percent of passive partners were over twenty. The age pattern of older active partners and younger passives corresponds to the marriage pattern in Florence at this time, where men tended to marry in their thirties and women in their teens, even early teens. By their late twenties or early thirties when men tended to marry, far fewer were accused of sodomy. In Florence, then, sodomy seems for many men to have been a life stage rather than a permanent preference. A few “inveterate” sodomites continued to be passive partners for their entire lives, but Florentines considered this much more shameful than for a boy to do so. Florence can hardly be taken as typical: Florentines had an international reputation for male same-sex activity (Puff 2003: 43).

Oral sex complicated the dichotomy between active and passive. In vaginal, anal, or interfemoral sex, the penetrator was the active partner. The ancient Romans had considered the penetrator in oral sex as the active partner too, while the fellator/trix was the passive partner. In Florence, however, the distinction was based on who actually did the work, not on who penetrated and ejaculated, and the fellator was considered the active partner. Thus it was permissible for an older man to fellate a boy, but not to be anally penetrated by him.

Information does not survive in as much detail from anywhere else in Europe as it does from Florence, although Venice runs a close second and there are a number of northern European towns where some sodomy accusations survive. Because the bulk of the evidence we have is from criminal accusations and prosecutions, however, we cannot trust it as to the prevalence of the behavior. Some towns may simply have prosecuted it more strictly at some times, depending on local anxieties about the gender order and about reproduction (in the wake of the Black Death, for example, when population was low), or for political reasons.

Court records reveal more about acts than about feelings. Some poetry and letters, however, especially from monasteries in the twelfth century and before, speak

of powerful emotional relationships between men (Jaeger 1999; Mills 2015: 191–242). There is no direct evidence that the men were lovers, but scholars typically treat similar poetry and letters from a man to a woman as evidence of an erotic relationship, even if unconsummated. From medieval Islamic cultures there also survives love poetry from men to younger men or boys, and indeed Jewish writers in Muslim cultures also wrote such poetry, despite the fact that Jewish and Muslim religious law condemned sexual intercourse between men much as Christian law did (Roth 1982). The Mamluk court and others in the Muslim world indicate that love between men could be publicly expressed, even while sexual activity between men could be reproved (Rowson 2008).

Medieval writers had little criticism of these emotional relationships, whether between two monks, or between aristocrats or kings like Richard the Lionhearted of England and Philip Augustus of France in the twelfth century, who also seem to have loved each other deeply when young. In fact, through the later Middle Ages there were examples of sworn brotherhood creating ritual kinship between two men who were very close friends (Bray 2003: 13–41). It may be that if contemporaries had really thought the latter were committing sodomy with each other, they would have reacted negatively. It may be, however, that people did not necessarily connect two men having a loving and physical relationship with sodomy. “Sodomy,” instead, was connected with otherness (attributed to Muslims by Christians, for example, although not by those Christians who had the most familiarity with Muslims; by Jews to Gentiles; by Germans to Italians), with heresy or political dissent, and with a rejection of God.

Indeed, medieval society celebrated a type of deep, passionate friendship between men that modern society does not. Most people today would assume that contemporary men who expressed their feelings for each other in the same way medieval men did were sexually involved with each other. Medieval people either did not believe that they were, or did not think it noteworthy, because they rarely objected to it.

WOMEN OUTSIDE OF MARRIAGE

Some churchmen argued that women were less responsible for their sexual lapses than men: they were not only more lustful, but also weaker and therefore less able to control their lusts. This argument did not lead to toleration of women’s non-marital sexual activity, but rather was a reason to keep women under strict control. Adultery was treated far more seriously for women than for men: although the church taught that it was just as bad for a man to violate his marriage vows as for a woman, usually authorities only prosecuted adultery when the woman was married, whether or not the man was. Because inheritance was so important in medieval society, a wife’s adultery was especially problematic, as it cast doubt on the legitimacy of her children. Men’s fear of women’s adultery also formed part of a general distrust of feminine independence that emerged in a variety of misogynist diatribes.

A few texts, some written by women, hint that some people thought women’s adultery might be excusable. Several of the *lais* of Marie de France, a French poet of the second half of the twelfth century, send the message that a husband who does not treat his wife well only gets what is coming to him if she is unfaithful. In other stories which make a jealous husband a figure of ridicule, it is hard to know whether

a medieval audience would have sympathized with the unfaithful wife, but it is clear that they were not expected to sympathize with the husband. Older men married to much younger women were the most frequent targets of ridicule, indicating at least some sense that women were entitled to love or sexual pleasure in marriage.

At some levels of society, families policed unmarried women's sexual behavior less than that of married women. Among aristocrats a daughter's virginity might be particularly important in making a good marriage. Among English villagers, however, church court records reveal that "simple fornication," between a single man and a single woman, was reasonably common and was often a prelude to marriage. In secular courts fornicating women could incur a fine, particularly if they were poor (unlike in the church courts where men and women were both fined); however, they do not seem to have been subject to community outrage (Bennett 2003). Wage workers or servants, who at least in some parts of Europe tended to marry later than the aristocracy and who lived with their employers or other workers rather than with their families, had opportunities both to meet potential marriage partners and to have sex with them (Goldberg 1992).

Non-marital sex was not always a prelude to marriage. Some women lived with men to whom they were not married, including priests. Medieval texts tend to call priests' partners "concubines," but in many cases the relationship was permanent and they were wives in all but law (Werner 2010; Armstrong-Partida 2013). Although the priest was breaking a vow and his partner was not, to late medieval writers the woman was more responsible and took most of the blame.

Women whose sexual relations were with other women also could not marry their partners. Perhaps ten percent of all women in medieval northern Europe never married (Kowaleski 2013). Some of these were nuns, and some would have married if they could, but some made the choice not to marry, because they wanted independence or because they preferred relationships with other women. Unmarried women could live together in pairs or clusters without arousing much comment, but we do not know whether they were friends, housemates, or lovers.

There is somewhat more evidence for loving relationships among women than there is for genital sex between them. As with men's same-sex love letters and poetry, most although not all comes from a monastic context (Matter 1986). Visitations that commented on sexual irregularities in women's monastic houses, though, focused preponderantly on those involving men (but see Mills 2015: 254–70 on anchoresses). The infrequency of references in the monastic visitations or in court records comes from the medieval understanding that sex was something that one person did to another, by penetrating him or her. If there was no phallus, there could be no penetration and therefore no gender transgression. Those few women who were condemned by the courts for same-sex behavior were described as usurping the role of a man, probably through the use of a dildo or cross-dressing (Puff 2003: 31–35; Bennett 2000). Medieval sources reveal little trace of a lesbian identity. In the Muslim world, the sources use terminology derived from the physical act of rubbing, but literature provides examples of love between women as well as carnal activity (Amer 2009).

The women who appear most frequently in court records for sexual offenses were not adulteresses, concubines, or lesbians, but prostitutes. Canon lawyers made promiscuity, rather than the acceptance of money for sex, the deciding feature of a



Figure 18.3 Couples feasting while bathing. Valerius Maximus, *Facta et dicta memorabilia*, c.1480, Master of the Dresden Hours, Leipzig, Universitätsbibliothek, MS Rep I.11 b, Bd. 2, fol. 269r.

prostitute; however, most of the people arrested as prostitutes were those who did take money (Karras 1996).

The working conditions of prostitutes varied greatly. Most turned to the trade, on a casual or permanent basis, because work opportunities for women were meager and wages low; examples of what the Greeks called *hetairai* and early modern Europeans called courtesans are very few in the Middle Ages. Some prostitutes worked in official brothels, either private institutions licensed by the local authority or municipally owned (Otis 1985). The regulations of these brothels were supposed to protect the women, but also severely restricted many aspects of their lives. Other prostitutes operated in a much less formal setting, as streetwalkers or out of their own homes through the use of a go-between.

Many municipal authorities took the attitude that official brothels prevented greater sin, either the rape or seduction of respectable women, or sodomy between men. Although the authorities considered prostitutes already fallen and therefore appropriate outlets for sexual desires that might otherwise endanger the respectable people of the town, the prostitutes' peers among the poor or working people may not have adopted that attitude. People who believed that simple fornication was not all

that bad – perhaps a venial rather than a mortal sin – might consider the prostitute just another service worker. Prostitutes participated in networks of women within towns, associating with servant women if not with elite women (Mummey 2012).

Particularly in multicultural regions of Europe, like Spain, prostitutes' activity threatened religious and ethnic boundaries. Christians, Jews, and Muslims all prohibited their women from sexual contact with men from the other groups, while concerning themselves much less with their own men's inter-group activities. In Christian Castile, for example, a Muslim or Jewish man who had sex with a Christian woman was liable to the death penalty, even if the woman was a prostitute. Authorities were especially concerned about prostitutes in this connection. Because prostitutes were "common women" available to all men of the community, for a non-Christian to have access to them was tantamount to allowing him membership in the community, a boundary that Christians did not want to break (Nirenberg 2002).

In medieval Christian Europe a normative religious discourse taught that sex was basically sinful and evil (though tolerable for reproductive purposes), and yet some segments of the society chose to ignore that teaching. Islamic and Jewish culture had somewhat different views on the basic sinfulness of sex, but similarly treated women's activity quite differently from men's. Sexuality did not relate to personal identity in the Middle Ages the way it does in the contemporary world. Gender distinctions, too, were central to how medieval people understood sexuality: to be active was to be masculine, to be passive was to be feminine, and in any given sex act the two partners played very different roles. What we know about medieval sexuality, however, is mainly what the elites of the society thought about it, and both women and men of other social groups may have experienced it rather differently.

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CHAPTER NINETEEN

SIN, CRIME AND THE PLEASURES OF THE FLESH

The medieval church judges sexual offences



James Brundage

The sexual behavior of Christians worried medieval Church authorities. Christian moralists disapproved of all types of extramarital sex, including premarital intercourse, adultery, concubinage, and prostitution. They sternly prohibited sexual contacts of any description between persons of the same gender. Church fathers agreed that masturbation was immoral and forbade Christians to indulge in the practice. They feared that even unconscious sexual arousal during sleep might be sinful. Sexual activity of any kind that involved priests, monks, nuns, and others who had taken vows of celibacy posed a perennially embarrassing problem for the Church's leaders. Even sexual activity by married couples presented moralists with a constant stream of problems. Church doctrine, to be sure, permitted married Christians to have sexual relations with one another, but only in moderation and for the proper reasons. Since they also believed that sexual passion should have no place in Christian marriage, the Fathers of the Church fretted about the frequency and timing of marital intercourse. Church authorities consequently prohibited married couples from indulging in sex during a large part of the year and even tried to prescribe the posture in which Christian couples could properly indulge their libidinous desires (Brundage 1987). This chapter will examine the ways in which medieval Church authorities tried to implement these teachings and to regulate the sexual activities of the Christian faithful.

From early in its history, leaders of the Christian Church distinguished two overlapping categories of offences against the Church's rules: sin and crime (Kuttner 1935, 13–21, 322–6). Sin was by far the larger and more comprehensive of these two categories. Any offence against the laws of God and the Church in thought, word, or deed was sinful. These rules, known collectively as canon law, comprised a vast body of teachings and moral prescriptions drawn from the Scriptures and the decisions of councils, bishops, Church Fathers, and other ecclesiastical authorities (Van Hove 1945, 48–115; Stickler 1950; Brundage 1995; Helmholz 1996, 1–32). Learned churchmen were well aware that as a practical matter it was impossible for anyone, no matter how careful and devout, to go through life (and for many people even to go through a single day) without falling foul of one or more of this forest of rules. Belief that no one, however well meaning, not even the holiest of God's saints,

can avoid committing sins constituted a fundamental axiom of Christian theology (Rom. 9–18, 23, 32).

Because their sins offended God, Christians needed to make amends for their misdeeds. First and foremost they must repent their sinful behavior. Repentance was an interior act, in the sense that it took place in the mind and soul. Repentance involved feeling genuine sorrow for having offended God and, moral writers deduced, this must necessarily involve making a determined effort not to repeat the sinful action. Sinners also needed to confess their sins, for only by doing so could they hope to obtain forgiveness. In the early period of Christian history confession was a public act (Payer 1982). The repentant sinner had to acknowledge his faults openly in the presence of the Christian community. Doing so was itself a sign of repentance. During the early Middle Ages public confession of sins gradually gave way to private confession, a practice that apparently originated in Irish monastic communities (Watkins 1961, 2: 536–49, 603–31, 643–4, 688–92; Dooley 1982). In private confession, the repentant sinner acknowledged his faults in secret to a single individual, usually a priest. The confessor, according to theologians, could then forgive the penitent on God's behalf and relieve him of the guilt he had incurred through his sins.

Sinners not only had to confess, they also needed to make reparations for their misdeeds. They could do this by performing various kinds of penitential actions. In early Christian history, when public confession was the rule, penance was also public. Repentant sinners were typically excluded from church services for a period of time, during which they had to kneel at the door of the church and beg forgiveness from the faithful as they entered. Sinners might also be whipped publicly and they were almost always required to fast and to abstain from meat and wine for a lengthy period. When the sinner fulfilled all the penitential conditions imposed on him – which for very serious sins might take many years – he could then be reconciled to the church and readmitted to communion with his fellow Christians.

When private confession replaced the older practice of public acknowledgement of sins, penance was privatized as well. Many well-known confessors wrote handbooks of penance to provide guidance for priests who needed to know what penance they ought to assign for each of the transgressions that sinners reported to them (Vogel and Frantzen 1978). These manuals prescribed, often in elaborate detail, the types, varieties, and duration of the penance appropriate for every sin that the author had ever encountered or heard of from other confessors. Modern readers of this penitential literature are often astonished at the ingenuity and imagination of medieval sinners – or perhaps of the authors of penitentials. Confessors' manuals could also of course be misused as virtual guidebooks to vice and perversion. On this account church authorities warned priests to hide these books in a secure place, lest they fall into the hands of the unregenerate, who might learn from them new and even more dreadful kinds of wickedness than the ones they already practiced.

The priest who heard confession sat in judgment upon the sinners who came to him. The confessor needed to determine the seriousness of the various transgressions that each penitent confessed; he had to decide whether the sinner was truly repentant or not; and he must also prescribe an appropriate penalty for the misdeeds that the penitent confessed. The confessor, in short, was a judge, but (at least once private penance had become the general rule) a judge who conducted his business confidentially, on a one-to-one basis with each sinner who approached him. Only the

penitent and the priest were supposed to know what transpired between them and confessors had a grave moral and legal obligation to keep secret anything revealed to them during confession (Kurtscheid 1927; Lea 1957). The confessor exercised an exclusively spiritual jurisdiction. The aim of the penitential process was to correct the sinner's behavior in order to save his soul from eternal damnation. Confession, people believed, would relieve the penitent of the guilt that his sins occasioned and would thus restore him to God's favor. Theologians and canon lawyers accordingly came to speak of confession and penance as 'the inner court' (*forum internum*), where the priest exercised spiritual jurisdiction over the penitent and judged his sins according to 'the law of heaven' (*ius poli*).

Alongside the 'inner court' where confessors judged sins, stood the 'outer court' (*forum externum*) where canonical judges dealt with ecclesiastical crimes. The categories of sin and crime overlap: all ecclesiastical crimes were sins, but not all sins were crimes. The distinction between sins that were crimes and those that were not depended on two fundamental criteria: public awareness of the sinful action and the penalties attached to it. Sinful activities that became generally known – such as, for example, the situation in which a married man abandoned his wife and set up house-keeping with another woman – could be prosecuted and punished in the church's 'outer court,' while at the same time the erring parties might be required to perform whatever penance a confessor might impose in the 'inner court,' when and if they repented of their misdeeds and sought absolution.

Canonical judges had great latitude in the punishments they could impose on criminals. In this hypothetical adultery and desertion case, a judge would certainly order the man to abandon his mistress and return to his wife. In addition he would probably order both man and mistress to swear that they would never see or talk to each other in future and further he would very likely impose a fine on either or both of them as additional punishment for their crime. Judges in such cases might, and often did, impose some physical punishment on the parties. Adulterers were commonly sentenced, as well, to some sort of public humiliation – female adulterers often had their heads shaved, while male adulterers might be publicly whipped. Public penalties of this sort demonstrated to the community the terrible consequences of sexual crimes and this, church authorities hoped, might deter others from following their shameful example.

Both parties also had to answer to their respective confessors for the sin of adultery. Confessors, like judges, enjoyed wide discretion in determining the penance that they might prescribe. A confessor might, for example, require each of our hypothetical adulterers to fast on bread and water for a month and to abstain from eating meat and drinking wine for, perhaps, three years. In addition the confessor might very well impose further penalties, such as a pilgrimage, or, if one of the parties were sufficiently well-to-do, founding a monastery.

Imprisonment, on the other hand, although it now plays a leading role in the penal law of most modern societies, was a sanction to which medieval judges, either civil or ecclesiastical, seldom resorted. In just one situation does imprisonment frequently crop up as a punishment for sexual crimes: when a bishop, priest, or other cleric in major orders was convicted of a serious sexual offence, the judge very often sentenced the offender to be enclosed involuntarily in a monastery, usually for the remainder of his life. The rationale here was, apparently, that allowing the offender

to resume his ministry might not only confront him with temptations that he might prove unable to resist, but would also be likely to affront the sensibilities of the faithful. Reclusion in a monastery presumably minimized opportunities for recidivism (save, perhaps, for those convicted of homosexual offences), while at the same time it allowed the penitent sinner to exercise his sacred functions in an environment where doing so would be unlikely to scandalize those to whom he ministered.

A problem that continually bedeviled those who sought to enforce the church's laws on sexual behavior was the difficulty of convicting offenders. Sinners who repented



Figure 19.1 The Devil prompting lust. Woodcut from *Der Seelentrost* (Augsburg 1478).

of their misdeeds and wished to make amends for their behavior were prepared to confess their guilt and to accept the punishment that the judge considered appropriate. Hardened offenders, however, were another matter. They were not only disinclined to plead guilty, but might well contest any efforts to convict them of their crimes. Many, perhaps even most, of those charged with sexual offences may have protested their innocence in good faith. One of the most frequently prosecuted sexual offences in archidiaconal courts, for example, was fornication. Defendants in these cases not infrequently protested, however, that nothing could be more natural than for unmarried men and women to have sexual relations with one another. Although theologians and canon lawyers called this simple fornication, ordinary people often rejected this idea and justified their conduct on the grounds that 'everybody does it'. Certainly medieval confessors and lawyers frequently complained that laymen simply refused to believe that simple fornication was either a sin or a crime (Brundage 1987, 380–2). Other sexual offenders likewise resisted prosecution because they believed that what they had done was no crime. Men accused of adultery, for example, sometimes claimed that their marriages were legally flawed and hence that, because they were really unmarried, they could not be guilty of adultery (Brundage 1987, 246–7, 485–9). Some of them, no doubt, actually believed the defenses that they put forward.

Sexual offences committed by clergymen raised special problems and proved particularly difficult to prosecute. Since clerics in major orders were not supposed to marry and their attempted marriages had been made illegal by the Lateran Councils of 1123 and 1139, they lacked any legitimate outlet for their sexual urges (Tanner 1990, I: 191, 194, 198; Lea 1968; Barstow 1982; Lynch 1972; Boelens 1968). It was easier to mandate clerical celibacy than it was to turn off basic human drives and we have no reason to believe that medieval clerics lacked the usual complement of hormonal tides. Because church authorities made it impossible for them to marry, many clerics sought, and often found, outside marriage, gratification for the sexual desires with which nature had endowed them. Since they could not have wives, numerous priests kept concubines instead. Those who did not tended to frequent brothels, while some found sexual gratification with other men. As an anonymous thirteenth-century poet put it (Map 1841, 171):

Priests who lack a girl to cherish
Won't be mindful lest they perish.
They will take whom'er they find
Married, single – never mind!

The penalties that canon law prescribed for clerics who disobeyed the rules were calculated to frighten lusty clerics into thinking twice before yielding to carnal enticements. Even a casual offender might be stripped of his position and income if convicted. A persistent offender who maintained a long-term relationship with a concubine might, in addition, face degradation from his clerical rank and imprisonment in a monastery for the remainder of his life (Brundage 1987, 253–4, 297–300). A cleric who felt strong emotional ties with his lover and their children might well be even more dismayed at the thought that, should their relationship be discovered, both his companion and his children could be enslaved (Gratian 1979, D. 81 c. 30 and C. 15 q. 8 c. 3; Schmutge 1995).¹

Realistically, however, clerics and their concubines in most places and at most times probably had little to fear. Enforcement of the laws was sporadic and often ineffective. Church authorities faced two fundamental problems when they attempted to implement the laws against clerical concubinage. The first was that the practice was so widespread. Clerical concubinage, despite all the horrendous rhetoric condemning it, remained common throughout the high and later Middle Ages. Popes, church councils, bishops, and a succession of saints thundered against the practice generation after generation, to be sure, yet priests and other clerics – including a good many bishops and even several popes – continued to keep female companions in their households. A Flemish bishop, Henry of Gelders, for example, openly bragged of his sexual prowess and claimed to have sired fourteen sons in twenty-two months. Clerical concubinage was the rule, not the exception, in England, especially in the province of York (Brooke 1956a and 1956b). It was very common in France and Spain, as well as in Norway and Sweden (Schimmelpfennig 1980). The canonist Benencasa (d. 1206) declared that in Italy and Germany, ‘priests, deacons, and subdeacons keep their concubines publicly’, and concluded from this that for practical purposes the laws that prohibited clerical concubinage were simply not in force (Benencasa 1605, at D. 81 c. 15; Liotta 1971, 190; Le Bras 1959, 168). The best that authorities could do was to try to limit how much a cleric could leave to his concubine in his will and to admonish parishioners not to invite their priest’s ‘wife’ to their social gatherings.

Procedural obstacles that made it difficult to convict fornicating clergymen posed a second basic problem for conscientious prelates who wanted to enforce the rules against clerical sex. The *ordo iuris*, which defined the procedural rules that canon law courts were supposed to observe, permitted judges to commence action against a fornicating priest only when and if some individual was willing to come forward and make a formal, public accusation against him before a judge empowered to deal with such matters. For that reason, this is sometimes called the accusatory system. Bringing an accusation in this way was not something that a reasonable person was apt to do lightly. The accuser was bound to alienate at least some, possibly even most, members of his community and the consequences of that could well be excessively unpleasant. Even worse, should the accuser fail to prove his complaint, he became liable to stiff penalties for bringing a false accusation.

Once an accuser had laid his complaint before a judge, moreover, the *ordo iuris* demanded that he meet an extremely high standard of proof in order to substantiate his charge. To achieve a conviction either the accused person had to confess or else the accuser had to convince the judge of the defendant’s guilt by ‘full proof’ (*plena probatio*), which canonists described as evidence that was ‘clearer than the noon-day light’ (Gratian 1979, C. 2 q. 8 c. 2; Accursius 1584, at Cod. 4.19.25). In practice this meant that, unless the defendant broke down and confessed, the accuser needed to furnish sworn testimony from two credible witnesses who would support his charge. Both witnesses must be free adult Catholic Christian men of unblemished reputation (and sufficient wealth to make it unlikely that their testimony could be easily bought) who would swear under oath that they had personally seen and heard the behavior cited in the complaint (Tancred 1965, 222–8; Durand 1975, 1: 283–304). Finding one, let alone two, witnesses who met all of these criteria and who had actually witnessed a priest engaging in the act of intercourse with his mistress, or

even with a prostitute, was a formidable challenge, one that few potential accusers could surmount. The result was that successful prosecutions for breaches of the rules against sexual activity by clerics in holy orders were not often attempted and, when attempted, were rarely successful. The evidentiary hurdles were simply too high.

Popes and other church authorities found this situation galling. Their reaction was to modify the procedural system and the rules of evidence in order to make it easier to bring complaints and secure convictions. The process began with a decision handed down by Pope Innocent III (1198–1216) in a case that originated in East Anglia. Bishop Eustace of Ely (1197–1215) informed the pope that he had ordered two clerics in his diocese who were living openly with concubines to get rid of their companions. The two clerics had ignored his order. No accuser, however, was prepared to come forward to initiate a prosecution, nor could the bishop find the necessary eyewitnesses to support a criminal case against the peccant clergymen. Bishop Eustace placed the matter before the pope and asked for further instructions about dealing with this situation. Pope Innocent's response was a sweeping statement in a decretal known from its opening words as *Tua nos duxit*, that drastically modified the law concerning criminal procedure. '[I]f the crime is so public that it can properly be called notorious', the pope declared, 'then neither an accuser nor witnesses are required, since a crime of this sort cannot be concealed by any subterfuge' (Gregory IX 1979, 3.2.8). Innocent also cautioned, however, that he was using the term 'notorious' in a technical sense. A crime was notorious when it was perpetrated so openly and publicly that both the deed and its perpetrator were known – not merely suspected, but actually known – to the general public. In that situation, Innocent ruled, neither an accuser nor witnesses were necessary. Upon a showing that an individual had committed a notorious crime, a judge could forthwith punish the offender *ex officio* and without further proceedings. Innocent carefully distinguished notorious crimes from offences that most people believed from common report (*ex fama*) had taken place. Thus, for example, if most people in a community believed that their priest was sleeping with his housekeeper, that belief was simply a matter of general suspicion, but it was not a notorious crime. Common report, in other words, was not the same as notoriety. Common report might furnish adequate grounds for a judge to inquire further about the situation, but eyewitnesses to the suspected crime were still necessary for conviction. If common report created scandal in the community, however, the pope empowered judges to demand that the suspect clear his name by *canonica purgatio*, that is by publicly swearing a solemn oath that he was innocent of the offence of which he was suspected. A clerical suspect who refused to take the oath, the pope declared, effectively confessed his guilt and the judge could forthwith proceed to punish him.

Tua nos duxit was a classic example of legal and political compromise: it remedied one important problem at the cost of creating a different, but no less important, problem. Existing procedural standards, as the pope saw matters, made it difficult to penalize offenders for their crimes. It was manifestly unjust to allow criminals to get away unpunished. To remedy that, the pope changed the law by removing a procedural hurdle, namely the necessity of finding an accuser willing to take the risks involved in making a formal complaint against a wrongdoer. This made it substantially easier to prosecute and punish criminals. At the same time, however, the new procedure *per notorium* deprived defendants of the important protection

against groundless or malicious accusations that the older procedural system had guaranteed them. This considerably increased the risk that innocent persons might be harassed by jealous admirers, jilted lovers, or others who for whatever reason disliked or resented them (Fraher 1984).

Pope Innocent's decision in *Tua nos duxit* represented a policy choice that it was more important to prosecute concubinous clerics than it was to safeguard defendants against unjust charges. This policy likewise undergirded another, still more radical, experiment: the introduction of inquisitorial procedure. The pope first authorized proceedings *per inquisitionem* in the decretal *Licet Heli* of 1199 and elaborated on this approach to criminal prosecution seven years later in another decretal, *Qualiter et quando* (Gregory IX 1979, 5.1.17 and 5.3.31). These decisions were subsequently ratified by the Fourth Lateran Council in 1215 (Garcia y Garcia 1981, 54–7; Tanner 1990, 1: 237–9).

Inquisitorial procedure, like *per notorium* procedure, dispensed with the accuser. The inquisitorial system transferred the traditional accuser's function of initiating judicial proceedings to the judge, who in effect became also a prosecutor. Under this system a judge could initiate a criminal investigation *ex officio* whenever he received information that a crime had probably been committed. He might thus initiate an action based on nothing more than an anonymous denunciation, a rumor (*mala fama*), or even just personal suspicion or belief. Virtually any sort of information that came to a judge's attention might form the basis for an investigation *per inquisitionem*. Although the pope originally devised inquisitorial procedure as a method to curb furtive sexual misbehavior, it soon came to be used for dealing with a broad spectrum of other canonical crimes, including heresy. While historians often associate inquisitorial procedure almost exclusively with heresy prosecutions, it was in fact an all-purpose procedural system used in a wide variety of situations, most of them having little or nothing to do with doctrinal orthodoxy (Kelly 1989 and 1992).

Inquisitorial procedure, like procedure *per notorium*, was designed to take action against sexual offenders and those guilty of other 'secret crimes' where it was often difficult or impossible to launch a prosecution under the conventional accusatory system of the *ordo iuris*. In order to achieve this goal, the Papacy was willing not only to sacrifice procedural safeguards against prosecuting the innocent, as mentioned earlier, but also to introduce radical changes in the law of evidence.

The *ordo iuris*, as we have seen, required the testimony of two credible eyewitnesses in order to convict a defendant of a crime. This was known as full proof. Modification of the rule that full proof was essential for conviction began to appear early in the thirteenth century, at the same time and for the same reasons that led to the introduction of inquisitorial and *per notorium* procedures. The change here involved the notion that a series of partial proofs could add up to a full proof. Tancred (c.1185–c.1236), an influential law professor at Bologna, then Europe's leading law school, proposed that judges could count a delation as a half-proof (Tancred 1965, 221–2). A delation differed from testimony because it was a statement of belief, not knowledge. The person who made a delation did not claim to have seen or heard the defendant commit the alleged offence. Rather the delator simply asserted his or her belief that a crime had occurred and that the defendant had committed it. Because a delation was a sworn statement of belief, rather than of knowledge, it failed to meet the criteria of proof, but Tancred maintained that it nonetheless ought

to have some evidentiary weight. Tancred asserted that a sworn delation should count as a half proof, or in other words that it ought to carry half the weight of full proof, which, as we have seen, meant the testimony of two actual witnesses to the perpetration of a criminal act.²

Other jurists adopted Tancred's analysis and suggested further modifications of the strict doctrine of proof that had prevailed at the beginning of the thirteenth century. By the 1280s, when Guillaume Durand (1231–96) was revising the *Judicial Mirror* (*Speculum iudiciale*), his massive treatise on procedure, he listed six varieties of partial proofs. These included, besides the sworn delation and the testimony of a single witness, such other types of evidence as household records (*scripturas domesticas*) that confirmed sworn testimony, flight by the accused, and false statements made by the accused. In addition Durand listed common report (*mala fama*) as a partial proof in civil cases, but not for criminal prosecutions. By Durand's time, in other words, a combination of partial proofs, such as, for example, the testimony of a single eyewitness plus corroborating circumstantial evidence of other types, such as household documents, added up to a full proof sufficient to convict a defendant on a criminal charge.

These developments in the law of evidence, combined with the introduction of *per notorium* and inquisitory procedure, made it much easier by the end of the thirteenth century to prosecute and convict offenders against the church's rules about sexual behavior than it had been in 1200.

At the same time the ambitious package of reform legislation adopted by the Fourth Lateran Council in 1215 made it easier for churchmen to monitor the sexual behavior of the faithful and to implement observance of the church's sexual code. One of the council's canons obliged the faithful to confess their sins to their



Figure 19.2 Copulation sur l'herbe. Miniature from the fourteenth-century 'Smithfield Decretals'. © The British Library, London, MS. Royal 10 E. iv, fo. 115r.

parish priest at least once a year (Garcia y Garcia 1981, 208–9; Tanner 1990, 1: 345). This requirement not only gave the clergy for the first time a systematic mechanism to discover and punish infractions of the church's rules, but also presented them with an opportunity to instruct members of their flock privately and on an individual basis about the behavioral standards that the church required of its members. The new instructional opportunities that this canon opened up may well have been at least as important as the chance that it furnished to detect and correct deviations from the norms of sexual behavior that leaders of the church wished members of their flock to observe. The two together made it possible for the clergy (or at least for those among them who were themselves adequately informed about these matters) to bring the behavior of their rank-and-file parishioners into line with the sexual prescriptions set down by theologians, canonists, and other church leaders (Tentler 1974; Boyle 1974).

Two further canons of the Fourth Lateran Council likewise facilitated the process of informing the faithful more adequately about the church's teachings on sexual matters. Canon ten commanded each bishop to appoint well-informed preachers to circulate through his diocese and instruct the laity about their religious duties (Garcia y Garcia 1981, 58–9; Tanner 1990, 1: 239–40). This was a momentous and radical innovation in the religious life of the Western church. Preaching had previously played only a minor and very occasional role in the ordinary round of liturgical observances. Most of the sermons that survive from before 1215 were written in Latin and addressed to the clergy rather than to the laity. And just how much the rank-and-file of the clergy understood of these discourses is, like most really interesting questions, extremely difficult to answer.

The new emphasis on preaching that commenced with the Fourth Lateran Council, combined with the instructional opportunities that annual confession afforded, made it possible, indeed virtually mandatory, for churchmen to inform the laity about ecclesiastical doctrines concerning sexual conduct more widely and in greater detail than ever before. At the same time, these developments also made it essential that the clergy themselves be better informed on these issues than had been common in the past. The eleventh canon of the council therefore addressed this issue. The fathers of the Fourth Lateran Council noted that their predecessors at the Third Lateran Council, back in 1179, had ordered each cathedral church to provide a stipend to support a schoolmaster, who would be assigned the task of providing basic theological training for the clergy of the diocese. In the generation since then, however, most dioceses had done little or nothing to implement that provision. The Fourth Lateran Council, therefore, reiterated and expanded the earlier decree by adding that not only cathedral churches, but also others with sufficient resources, shared in the duty of providing systematic instruction for the clergy (Garcia y Garcia 1981, 59–60; Tanner 1990, 1: 240).

The legislation of the Fourth Lateran Council thus furnished a blueprint for more adequate dissemination and implementation of the church's teachings on sexual matters than had hitherto existed. The primary emphasis of the council's efforts was on mechanisms for instructing and counseling both the laity and the clergy on their religious duties and obligations. The same period likewise witnessed additional developments to enhance legal enforcement of church doctrines about sexual conduct, among other matters.

Prior to the beginning of the thirteenth century the church's court system was not very efficiently structured. Every bishop, to be sure, was entitled to exercise what was called ordinary jurisdiction over the faithful, clerics and laity alike, within his diocese. This empowered him to enforce the church's disciplinary rules and to resolve disputes over issues of ecclesiastical law that arose within the diocese. When faced with a particularly critical or complex case, a bishop might summon all the clergy of his diocese to meet with him as a synod and to help him to untangle the difficulties, but this happened only in unusual situations. Prior to the beginning of the thirteenth century bishops as a rule tried to deal in person with most of their legal business as part of their daily routine. By about 1200, however, many bishops had begun to feel overwhelmed by the sheer volume of cases that came to them for settlement. To make matters worse, both the procedural and the substantive complexity of the law itself were increasing at the same time.

One way out of this difficulty was for bishops, especially those in large dioceses, simply to delegate the more routine kinds of problem to one or more specially designated clergymen, usually called archdeacons, in various parts of the diocese. The archdeacon was supposed to act as the bishop's disciplinary watchdog in the particular region to which he was appointed. He was expected both to correct many kinds of common offences against canon law – fornication cases, in particular, commonly furnished archdeacons with plenty of business to keep them steadily employed – and also to bring to the bishop's attention the more serious and complicated problems that arose within his archdeaconry. The archdeacon thus lightened the bishop's load by screening out routine, petty problems, which the archdeacon could deal with on his own, passing on only the more important and difficult cases for the bishop to deal with in person. In practice this meant that archdeacons became supervisors of public morals, who handled most complaints about public offences against the church's sexual code. The archdeacon thus became a judge and his court became the usual venue for dealing with the common run of sex offences.

The development of archdeacons' courts certainly cut down the volume of litigation that bishops had to deal with. It did little or nothing, however, to solve the problems that a continuing increase in legal technicalities and in the sheer complexity that much new ecclesiastical legislation presented. To deal with these difficulties bishops increasingly found it necessary to employ advisers with formal training in the law. By around 1200 many bishops not only relied upon the legal officials in their households for advice, but were also commencing to refer cases to them for hearing and decision. This quickly became the usual way of dealing with all but the most politically sensitive cases that came to the bishop for adjudication. In most dioceses, accordingly, a court that exercised the bishop's judicial functions gradually took shape during the course of the thirteenth century. The presiding officer in these courts was one of the bishop's officials and hence the court was commonly referred to as the Official's Court (Fournier 1984; Lefebvre-Teillhard 1973).

A large fraction of the caseload in the Official's Court nearly everywhere concerned sexual behavior. Many of these cases involved troubled marriages, where one partner or the other (and occasionally both) sought a judicial decree of separation or annulment, not infrequently on grounds of what we would now call sexual incompatibility. One method of testing the credentials of an allegedly incompatible husband employed experienced women whose task it was to attempt to stimulate the

quiescent male into action. Another might involve witnesses posted to ensure that the couple were exerting themselves in bed with suitable dedication to the task in hand. The wife's credentials were also liable to inspection (Brundage 1987, 322 and p. 14; Linehan 1997). In other marriage cases, petitioners asked the Official's Court to compel a straying spouse who had run off with some other partner to return to the matrimonial bed and board.

Bishops' officials also dealt with a wide variety of criminal cases, many of which involved deviations from the church's sexual norms. While many of these cases involved violations of the vows of chastity by priests, monks, and nuns, laypersons, too, frequently appeared at the bar of the Official's Court charged with serious sexual offences (Helmholz 1974, 25–6, 74–5, 166–8; Donahue 1974, 656–78; Wunderli 1981, 68–9, 81, 101–2, 108, 113, 117, 120, 123, 142–7; Finch 1993 and 1994).

By the thirteenth century, therefore, the medieval church had produced a battery of institutions to enforce its policies concerning sexual behavior. The administration through regular, annual confession of what had by this point come to be defined as the sacrament of penance provided a private, confidential mechanism through which church authorities were able to monitor the sexual behavior of the faithful, to instruct and counsel those who were uncertain about the rules in these matters, and to administer correction to those who failed to comply. Parallel to this, a system of courts was in place to deal with sexual misbehavior that took place in public or that seemed likely to subvert the morals of the community at large.

How effective these institutions may have been in enforcing the medieval church's rules about sexual conduct is not easy to determine. What is clear from the evidence, however, is that the church took its role as a guardian of sexual morality with great seriousness and strenuously attempted to implement the teachings of theologians and ecclesiastical authorities in this area of human life. Both the content of those teachings and the belief that public authorities have a legitimate right to police private sexual behavior remain part of the modern Western heritage to this day.

NOTES

- 1 For a key to this and subsequent legal citations, see Brundage 1995, 190–205.
- 2 For the unanticipated consequences of this innovation in the development of mathematical probability theory, see Franklin 1991.

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CHAPTER TWENTY

THROUGH A GLASS DARKLY

Seeing medieval heresy



Peter Biller

A modern *History of Medieval Heresy*, reduced to the back of a large postage stamp, says this. Between about 1000 and 1050 there are a scatter of reports of heresy in France, north-western Italy, Germany and perhaps Hungary, followed by silence for about fifty years – a period when the reforming Gregorian papacy may have sucked into itself whatever radicalism may have been around. Reports of heresy begin again shortly after 1100 and increase in number, and heresy shows its importance by engaging the attention of the greatest churchmen of the period, Peter the Venerable and St Bernard of Clairvaux, and of a steady sequence of Church councils. From the 1160s onwards there is a lot of evidence of heretics called *Cathars*, both in Italy and in Languedoc, whose city Albi gave them one of their names, *Albigensians*, while in the 1170s a layman called Valdes started a movement which was condemned in 1184 and acquired a name from him, *Valdenses*, *Waldensians*. The Cathars and the Waldensians were the major heretical movements of the central Middle Ages, spreading widely and in large numbers, and repression of heresy, particularly Catharism, in Languedoc brought about the launching of a crusade in 1209 and the founding of the inquisition in the 1230s. While inquisitors had broken Italian and Languedocian Catharism by around 1320, the Waldensians were more successful, surviving in many areas until around 1400, and then in the mountains between Piedmont and Dauphiné until the sixteenth century, when they were swallowed up by the Reform, although they kept their name. In the preceding century the centre stage of the story had been occupied by national heresies inspired respectively by the Oxford master John Wyclif and the Prague master Jan Hus, English Lollardy and Czech Hussitism, both of them the last significant new movements before the Reformation, and constituting together a sort of pre-reform.

I plan to concentrate on the central Middle Ages, but rather than expanding this résumé, I am going to look at the series of lenses and filters *through* which we look at Cathars and Waldensians. First there is the evidence, whose varying quantity and survival is both an opportunity and a problem; ‘absence of evidence is not evidence of absence’, as the early medievalist’s adage goes. Its characteristics may also tell us more about the churchmen who produced it than about heresy. Secondly, there are groups who have appropriated the history of heresy to bolster their sense of identity, most

importantly Protestants seeing medieval heretics as their forerunners. Thirdly there have been movements in modern scholarship, which have sharply illuminated parts of medieval heresy, sometimes at the same time obscuring other parts. In the following I intend to look at the ways lenses and filters transmit, refract or colour a view of the major heresies of the central Middle Ages, Catharism and Waldensianism, hoping to say something about these heresies themselves as well as the struggle to *see* them.

I begin with *heresy*. Whatever it was that was there, it was called *heresy* because churchmen regarded and treated individual movements or persons as *heresies* and *heretics*. As we survey *heresy* through the central Middle Ages a hand is twiddling the zoom on the lens through which we look. The Church's notion of what was heretical fluctuated to some degree through time, and as a consequence what we are looking at fluctuates. And after the Middle Ages, beginning with Protestant and Catholic writers, historians of heresy came to concentrate mainly on such major religious movements as Catharism, Waldensianism, Lollardy and Hussitism. As the domination of confessional historiography declined, attitudes to these labels have altered. In 1935 the German historian of heresy Herbert Grundmann pointed out how much there was in common between those movements of the twelfth and early thirteenth centuries which ended up as religious Orders and those movements which ended up as heresies. They all drew something from a general impulse towards the apostolic life, embraced by people who took evangelical counsels as precepts and as a consequence renounced marriage and money, embarking on a form of life in which they wandered without fixed abode, living off casual charity, preaching and, in some cases, healing the sick. This meant a historiographical shift, away from the two separate compartments of the *history of religious Orders* and the *history of heresies*, and towards the study of them together within the category which gave Grundmann's book its title, *Religious Movements in the Middle Ages*. A further historiographical shift will come with the book which is now being written by Grundmann's brilliant pupil Alexander Patschovsky, on heresy and politics. This will explore the varying conditions of politics and power which brought about the imposition of the label *heresy* or *heretic* on emperors, kings, popes, peasants, political movements, theologians, radical Franciscans, pious lay people, and Cathars and Waldensians.¹

Consequently, as I turn to look at the Cathars and Waldensians, I am following (a) a post-medieval historiographical tradition which has decided that these *religious heresies*, as Patschovsky calls them, dominate the theme *heresy* in the central Middle Ages. I am following (b) the Church's view that these were the major religious heretical problems of that period, and I am using Church vocabulary. I still have a large and legitimate topic – since the Church's point of view was important – but I am limiting myself to one medieval angle of vision upon these past phenomena, and to a restricted post-medieval notion of what *heresy* then covered.

Keeping this in mind, I turn to looking at the Cathar and Waldensian heretics. I see them principally through inquisition records, such as the following:

Benazeit Molinier [in a confession of 1301] . . . saw Raimond del Boc and his companion, heretics, and there he and other persons adored the said heretics, genuflecting and saying 'Bless' according to the heretics' rite. . . . *Item*, he saw Bernart de la Vigaria and his companion, heretics, together with others, whom he names, around the bed where a man was lying, whom he names. The man

was ill with an illness from which he died, and Benazeit believed that the said ill man was hereticated by the said heretics. . . . These heretics used to say that they were good and holy men, and that the Church of evildoers, namely the Roman Church, persecuted them unjustly, and that they used to fast three days a week on bread and water. *Item*, they condemned marriage, saying that it was always a sin. *Item*, they condemned the sacrament of the altar, saying it was just bread. *Item*, they condemned baptism of water, saying that man was saved through their imposing hands on their believers, and that all sins were remitted without confession or satisfaction. They also said that God's incarnation was impossible, because God would never have so humbled himself as to put himself in a woman's womb. *Item*, they said that there were two Gods, a good one and an evil one, and the good one had made all visible things. *Item*, they denied the resurrection of the body. *Item*, they said that souls were nothing but spirits which had fallen through sin. He heard these and other things from the heretics whenever they preached.

(Limborch 1692: 248–9; Pales-Gobilliard 2002: 1112–16)

About eight years before her confession [to the inquisitor, 1322] . . . Joana's sister-in-law, Beveguda, told her that there were some Good Men in her husband's house who wanted to talk to her, and that she should go there. Beveguda told her that they were some of those who are called *Waldenses*, [although] they call themselves *friars*² . . . she found the two Waldenses at the house, and after some general words they admonished her not to do or say evil, nor to lie or swear, because in every case swearing was a great sin . . . and she prayed with them according to the Waldenses' mode of praying, kneeling at a bench and saying the *Our Father* several times. *Item*, she confessed her sins to the aforesaid Waldensian, Joan [John] of Cerno, and received absolution and penance from him, namely fasting some Thursdays and repeating the *Our Father*, even though she thought or knew that the said Waldensian was not a priest ordained by a bishop of the Roman Church; and she believed she was absolved just as if she had confessed to her chaplain [parish priest].

(Limborch 1692: 356; Pales-Gobilliard 2002: 1504–06)

These are extracts from the sentences passed on Benazeit and Joana, who had confessed some involvement in heresy. The two come from a larger number of sentences on such people, 930 in all, which were collected by the Dominican inquisitor Bernard Gui in his *Book of Sentences* (*Liber sententiarum*) (Pales-Gobilliard 1991).³ This *Book* is long, and in it the reader meets large numbers of named individuals from southern France, and gets a schematic account of their involvement with heretics. Inquisitors had been working in France since the 1230s, and although most of their records do not survive, what is astonishing is the quantity and colour of what we can still look at, in about a dozen large volumes extending from the 1230s to around 1320. They are mainly depositions, virtually all concerning Cathars and only a minority the Waldensians. If Languedocian Catharism is a modern tourist industry it also dominates any serious and good modern *History of Medieval Heresy*. Because of the size of the past phenomenon? Or the size of the records still extant?

While Bernard Gui's *Book of Sentences* survives intact, only a few fragments survive of the records of inquisitions carried out in southern Bohemia by a near contemporary of Gui's, Gallus of Neuhaus (1335–mid-1350s), which were discovered and edited by Alexander Patschovsky. Consider the contrasts. Patschovsky's fragments are about 10,000 words, Gui's intact *Book* about 250,000. In the fragments over 300 people are implicated, including about 180 German-speaking Waldensians, and there are references to fifteen burnings; Gui's *Book* contains 42 death-sentences. Patschovsky calculates that the lost parts of the register would have left us with 2,640 Waldensians and 220 executions, and he points to a comment in 1315 that there were 80,000 Waldensians in Austria and an 'infinite number' in Bohemia. Though these estimates were exaggerations, the suggestion is that the reality behind them was that there were heretics in much larger numbers in Austria and Bohemia than in Gui's Languedoc (Patschovsky 1979: 18–24). Go back to the mid-thirteenth century. One manuscript now in Toulouse contains the depositions of about 5,000 people interrogated in the Languedoc in 1245–6, and it is about half a million words long, while inquisitors' discovery of heretical (Waldensian) infestation of 42 parishes in the diocese of Passau around 1260 is known only through a paragraph in an inquisitor's treatise: the inquisition records do not survive. If inquisition records in German-speaking areas north of the Alps had survived at anything like the rate of those from the Languedoc, how far would the Languedoc dwindle in our overall picture of medieval heresy?

The chronology as well as the geography of survival of evidence poses problems. The massive Languedocian records go back to slightly before 1240. Some people talking to an inquisitor around this time reminisce backwards in time, to 'before the coming of the crusaders', meaning before the launching of the crusade against Albigensian heresy in 1209, and a few very old people remember back to before 1190. As we go back earlier than this we are suddenly deprived of colour, detail, and names. Darkness falls. We are reduced to different sorts of evidence about Catharism, and problems in the evidence multiply, in particular about when Catharism reaches the Languedoc. The work of one modern historian of heresy, Bernard Hamilton, suggests one outline of earlier Catharism (Hamilton 1994). Northern Frenchmen in the wake of the First Crusade, around 1100, encountered dualist religion in the shape of the Bogomils in Constantinople. There they set up the first Latin Cathar Church and procured Latin translations of Bogomil rites, and then on their return to northern France they erected a Cathar bishopric in northern France, which was the start of the western mission. During the twelfth and early thirteenth century Catharism had considerable strength in north-western Europe, in milieux of wealth, nobility and high learning, while it was also spreading southwards to Provence, the Languedoc and Italy, and its strength in the south was soon to produce one of its names, *Albigensian* from the city of Albi. Assume for the moment that this picture is correct. The supporting (or contradictory) evidence is sparse. The records of the trials of the 180 Cathars who were executed in Champagne in the 1230s would tell us much about the character of northern French Catharism, had they survived, and the same applies to the earlier executions of Cathars, whether in areas where they were probably scarce, such as England, or in areas where they abounded, Rhineland Germany, the Low Countries and northern France. I find Bernard Hamilton's account persuasive, but others will have good arguments for rejecting it. Consider the consequences for

a modern *History of Medieval Heresy*. Filled with the colour and quotidian detail of depositions, its chapter on the mid-thirteenth century can be a vivid counterpart of a past reality. By contrast the twelfth-century chapter has to be dominated by modern academics debating ‘were they Cathars?’ – I imply no criticism, for nothing else can be done – and its thinness is a very poor counterpart of a mainly lost past reality.

If we go further back in time we pass over the late eleventh-century gap and arrive at various reports of heretics, labelled in one source as *Manichaeans*, said to be around between c.1000 and 1050. While there has been no consensus among scholars about the precise theological nature of heresy in this period, very considerable scholarship has been devoted to investigation of the deeper changes and tensions to which in some way the efflorescence of heresies corresponded, and also to the political squabbles and intrigues lying behind particular heresy accusations (Nelson 1972; Nelson 1980: 65–6; Moore 1996). Our concern so far has been quantity of evidence: in a century where evidence overall is not vast, the proportion of it which cries *heresy* in the first half of the century is quite large. In the thirteenth century a scholastic theologian labelling contemporary heretics as *Manichaeans* was aware of what he was doing, using doctrinal similarities between the ancient Manichaeans and modern heretics in his discussion of theological dualism (Biller 1999). Hamilton’s is a lone voice, suggesting that the eleventh-century monk will have been thinking in the same way, and saying that modern scepticism about the heresies of this period has become excessive (Hamilton 1998: 196–8).

If the odd contours of the survival of inquisition records skew our view, nevertheless it is through the extant records that we have to look. Do these records invent heretics? Until thirty years ago histories of medieval heresy used to contain a chapter on the sect of the Free Spirit. This had been condemned in a decree of the Council of Vienne in 1311, which itemised the sect’s bizarre doctrines, central to which was the notion that after achieving spiritual perfection an adept was freed from moral law. Then along came Robert Lerner (Lerner 1972). He described the general tradition of accusing heretics of libertinism, and against this he set close analysis of the depositions of Free Spirit heretics in Germany and central Europe confessing to inquisitors. Comparing what they said with the Vienne Council’s list, Lerner made it clear that they were repeating this. Suspicion, inquisitorial method, theologically precise leading questions (‘You do believe, do you not, that after achieving a state of perfection etc.’), the threat of torture and ‘confessing personalities’ all combined to conjure up these admissions. Conversely, Lerner’s book dispelled the sect. The mirage vanished. There is no chapter entitled ‘Sect of the Free Spirit’ in the modern *History of Medieval Heresy*.

No. The Cathars and Waldensians were not invented, and the very detailed records and flexible questions of inquisitors in the Languedoc take us into a world which is very different from Lerner’s trials. And it is this initial relief, the fact that the sources do relate to a reality, which constitutes the danger: by relaxing vigilance about how these sources have shaped that reality.

Joana, Benazeit and thousands of others gave statements to inquisitors. Our modern liberal concern with the injustice of the inquisition may give us tunnel-vision. ‘A man takes an ox by its horn and a peasant by his tongue’ (Biller and Hudson 1994: 9–10): this proverb, retailed as a caution to someone about to be questioned, encapsulates one clear possibility, that of theologically learned inquisitors overwhelming

illiterate poor peasants. But many of the questioned suspects were men and women of high station in the world, used to receiving respect and ordering people about; a few were literate men, jurists and notaries. Envisaging suspects only as victims (which they certainly were), we may miss their resourcefulness and stratagems. Sometimes we are told of conversations among suspects, who are going to be questioned, agreeing to conceal everything from the inquisitors (Wakefield 1986). As the record of interrogation shows a suspect caving in, we can sometimes see that efforts at concealment are still going on. The suspect is naming people who are implicated in heresy, but they all happen to be dead: the living are still being protected. Or there is a suspicious absence of close family in the early part of the confession: loved ones are among the last to be named. When someone does decide to tell the truth, then there is still the perennial police problem: it is the truth only as one person saw and remembered it. Different suspects' memories of the same event both overlap and vary. A man remembers more the men attending a Cathar sermon, a woman the women.

The interrogating inquisitor's education was Latin in language and Catholic in content. The Occitan vernacular in which Benazeit and Joana made their replies was translated for the written record of the proceedings: colours reduced to black and white. The inquisitor and his scribe imposed a vocabulary based on their Catholic assumptions. Benazeit's heretics did not call themselves *heretics*. They were the *Good Men* or *Christians* to themselves and their followers, and only *Cathars* in Catholic writing about heresy. In the Languedoc the overwhelming strength of Catharism produced the equivalence in the mind of the inquisitor, *hereticus* = Cathar. In the trial record, therefore, *Good Man* becomes *heretic*, while their names for their rites are also overlaid, the administration of their *consolamentum*, for example, becoming *heretication*. The male Waldensians, as Joana tells us, called themselves *friars*, and *Waldensians* was a Catholic term. Find out the name of the inventor of a heresy and then use this to label it: *Montanus*, ergo *Montanists*, *Valdes*, ergo *Waldensians*. Insidious slants are given to our view while we persist in following inquisitors, referring to the *Good Men* and the *friars* as *Cathars* and *Waldensians*. Questioned by the Dominican Peter Sella around 1241–2, some people claimed not to know that the Church persecuted the Waldensians, and the Waldensian friars' own preferred nomenclature is one of the things which make this claim plausible: something we miss while using the Church's vocabulary.

One or two inquisitors presided in a particular case, men of varying ability. An inquisitor's mind could be crude, or perceptive and subtle, like the ideal put forward by the inquisitor Bernard Gui: a man who would be alert when looking at matters which were in doubt, not readily believing something just because it seemed probable, nor stubbornly refusing to accept something simply because it was not likely, for the unlikely can be true (Gui 1886: 233). They put the questions. The Languedoc inquisitors tended to be quite flexible, permitting suspects to digress in their answers. This tendency became quite marked with two Dominicans interrogating in Toulouse in the 1270s, Pons of Parnac and Renous of Plassac, and it was to reach its height with the late and famous inquisitor Jacques Fournier, whose relentless curiosity and tolerance of story-telling combined to permit the appearance of the richest of all sets of medieval depositions, which when published (Duvernoy 1965 and 1972), provided the material for Emmanuel Le Roy Ladurie's extraordinary account of a high Pyrenean village around 1300, *Montaillou*.

The majority of depositions – relating to the much larger Catharism of late twelfth- and thirteenth-century Languedoc – are narrower, and the nature of this narrowness needs attention. The problem is not the stark one of northern European inquisitors forcing out false confessions. Rather, it is the subtler one of confessions in southern Europe which, with all their problems, have a lot of truth, but are largely confined to a field whose borders are marked out by the inquisitor. One marker in this field is obvious. The inquisitors were usually more interested in police-work than anything else, especially in the period when Cathar supporters still numbered thousands. Did you see a Cathar or a Waldensian? If so, when was the first time? Where? Who else was present? Did you hear them preaching? Did you give them anything? When was the next time you saw them? Where? Who else was present? When was the next time? And so the questions go on. From a mid-thirteenth century Joana or Benazeit inquisitors wanted to know (a) names of others, and (b) a crude arithmetic of Joana's and Benazeit's guilt, counting duration in sect, category of supporting activity (did you act as a messenger for them?), numbers of sermons attended and gifts given. The inquisitors had names for various categories or degrees among followers (*believer*, *supporter*, *receiver*, and *defender*) (Kolmer 1982). Like Weberian ideal-types, these were based on careful thought about the varying behaviour of followers, which they simplified and ordered into these categories – a subtle process which continued as inquisitors questioned people and pigeonholed them. At the same time these mid-thirteenth-century inquisitors tended not to be very interested in precisely what Joana and Benazeit thought, and what doctrines they could recall. Another marker on the edge of the field is more intangible. The questions asked were rooted not only in the demands of police-work but also in churchmen's very ecclesial conception of what a sect was: a counter-Church, with its ministers, and lay people hearing sermons and passively participating in ritual, and providing material support.

Let us stay with this for a moment, and reflect on the consequences. One seems clear. Answers to questions which are coloured by a relative lack of interest in deponents' beliefs and an ecclesial image of a sect are likely to flatten out the distinctiveness of possibly very different persecuted groups. We read the resulting depositions, and these flattened profiles fit very well with our habit of following the medieval Church in calling all these groups *heresies*, and our tendency – as modern liberals sympathising with those who were persecuted – to see various heresies as constituting a rainbow alliance. If we try going in the other direction, what do we find?

First, if we look carefully at the depositions we see individuals' statements about doctrine breaking through inquisitors' relative indifference. People heard doctrine from Cathar or Waldensian preachers, but there were so many other sources of information, heretical sympathisers among one's neighbours and family, and paradoxically, those whose preaching against heresy was so clear that one could pick up heretical doctrine through listening to them: the bishop, Franciscan and Dominican friars, and one's parish priest. And there were so many little disputations attested, many between Cathars and Waldensians – a disputation in a workshop about the licitness of killing, a casual conversation on a doorstep about the resurrection, and confabulations about marriage. Around 1229 as two women are walking back home from Toulouse one of them falls and says, 'Curse the master who made this fleshly woman!' The other says, 'And did not God make you?', which gets the reply, 'Do you want to write that down for me? Let's go!'¹⁴ Allusiveness, joking, irony? Through

the veils of distance and translation we cannot say exactly, but clear enough are the allusions to *who* created the body – the one and good God in Catholic belief and the evil God in Cathar belief. Clear also is what is implied by this woman's rapid reference to the maker of her flesh: the deep penetration of theological thought into the minds of ordinary people, brought about by the competition of rival preachers and acute popular interest. The problem lies in us: in our patronising reluctance to think of these people as more familiar with theology and more theologically sophisticated than we are.

Secondly, let us look at the two heresies in question. Joana received in her house Waldensian *friars*, who belonged to an Order, which they had entered, taking the monastic vows of poverty, chastity and obedience. They preached to Joana, telling her not to sin, and they heard her confession, providing penance and absolution for her sins. Both the content of their preaching and the fact of confession concerned morality – sin, penance, and behaving better – and there is hardly a whiff of doctrine, only the point that the friars are out of line in doing all this, since they are not ordained. The Waldensians had begun inside the Church around 1170, emerging from broadly the same religious movement as the later Franciscans, founded, like the Franciscans, by a man from a wealthy city background who started to become interested in literal obedience to the gospel counsel of poverty. Although Valdes and his followers were eventually excommunicated because of their unwillingness to obey local bishops, and although they eventually developed significant doctrinal heresies, in particular rejection of purgatory and the intercessory power of the saints, their deviance from the Catholic Church was usually limited. They did not develop different views about the nature of God, and their asceticism was a spiritual rather than a theological matter. This world was God's creation and was good; marriage was good. They remained like a proscribed and clandestine mendicant Order, rejected by the Church but themselves not entirely rejecting the Church nor eventually trying to form a Church, for they accepted the Church's sacraments. A Waldensian follower in the later Middle Ages was baptised, married and buried by the local parish priest, while secretly listening to the sermons of the Waldensians, sharing their faith and confessing sins both to them and to the parish priest. Going into a local church in the later Middle Ages, as we learn from depositions in German-speaking areas around 1400 and from the Alpine valleys between Piedmont and Dauphiné around 1500, Waldensian followers were engaged in a complex act, believing in some parts of what was going on and mentally rejecting others. Thus they sprinkled themselves with holy water from the stoup as they entered, 'in order not to be noticed', while saying to themselves that blessing conferred no holiness on this water, which was no better than rainwater.

Benazeit, on the other hand, received Cathar Good Men who constituted a Church, totally alternative and opposed to the Catholic Church. It had its hierarchy of bishops and deacons, and Good Men and Good Women whom we can roughly envisage as the counterparts to some degree of Catholic clergy and Catholic monks and nuns. It had its rites, and the most important of these was the *consolamentum-heretication*, as we have seen, to the inquisitors. They had a very radical theology, some of which Benazeit presents. There were two Gods or principles, and the evil one had created this world and its matter, including human bodies, which were evil fleshly envelopes imprisoning souls or spirits which had fallen from the heaven of the

good God or principle. Until they received the *consolamentum* and became Cathars, the men and women who shared the beliefs of the Good Men and Women and supported them were not theologically members of a Cathar Church. They were outside, waiting to enter. Note that whereas the Waldensian friars concentrated entirely on morals, the Cathar Good Men spoke entirely about doctrine. Cathar withdrawal from the moral world of their followers was as radical as their rejection of the utterly evil material world. No Cathar sacraments marked their births and marriages, no Cathar system of penance intertwined with their good and bad deeds. The Cathar Good Men were doctrinal, the Waldensian friars were moral; the Cathars formed an independent Church, the Waldensian friars did not. These persecuted friars and Good Men were extraordinarily unlike each other, but the fundamental contrasts become veiled as the Church's vocabulary is overlaid on theirs and as we read responses to the similar questions which were addressed to their followers.

Where inquisition records survive richly, as we have seen they do in southern France, and as they also do in Italy, the skewing which is brought about by their very abundance also needs reflection. We have almost no administrative documents and theological treatises surviving from Cathars or Waldensians, in contrast to the mountains surviving from the medieval Church. What are the effects? In the late twelfth and early thirteenth centuries, dominant in the surviving sources about heresy are such things as these: various problematic names for heretics in a chronicle or the decree of a church council, some demonising rhetoric in a papal bull, and a polemical treatise attacking heretics for preaching although they are illiterate. If these are extant textual counterparts of a former reality, what do they conjure up? Something a bit inchoate, perhaps illiterate? Various rather vaguely defined movements? But we also have two exceptions in the evidence from this period, heretical documents, one concerning a Cathar Council at St Félix-de-Caraman (1167 or around 1175), the other a Waldensian Council at Bergamo (1218). In 1223 Cathars drew up a document based on three previous texts relating to the St Félix Council, a record of it, a sermon delivered at it, and the report of a commission set up to look at diocesan boundaries (Hamilton 1979). Some of the Waldensians present at Bergamo wrote a formal letter to confrères in Germany, reporting attempts to settle doctrinal and administrative problems, in which disagreeing parties exchanged views before the council, then chose delegates and met in Bergamo, where they articulated their positions in writing, handed the texts over, and debated, subsequently receiving both written and oral replies and debating these (Patschovsky and Selge 1973: 20–43; Patschovsky 1994: 121–2). Suddenly we have swinging into view archives, everyday Latin literacy, formal procedures,⁵ and organisation. Suddenly these movements appear in an unfamiliar way, no longer vague and inchoate. How different they would look if we had more of their administrative documents!

Theology is a subtler problem. We know that early northern Cathars were highly learned, among the earliest to cite one of Aristotle's newly translated works, and that Italian Cathars in Lombardy and Tuscany sent their brightest students to the university of Paris (Biller 1999). Aquinas knew the treatise of an Italian Cathar theologian called Tetricus, which he cited by book and chapter number, but only one such Cathar theological treatise survives, while others survive fragmentarily only when quoted in polemical treatises written by Catholic opponents (Paolini 1994). Where such a tiny proportion of written Cathar theology survives compared with

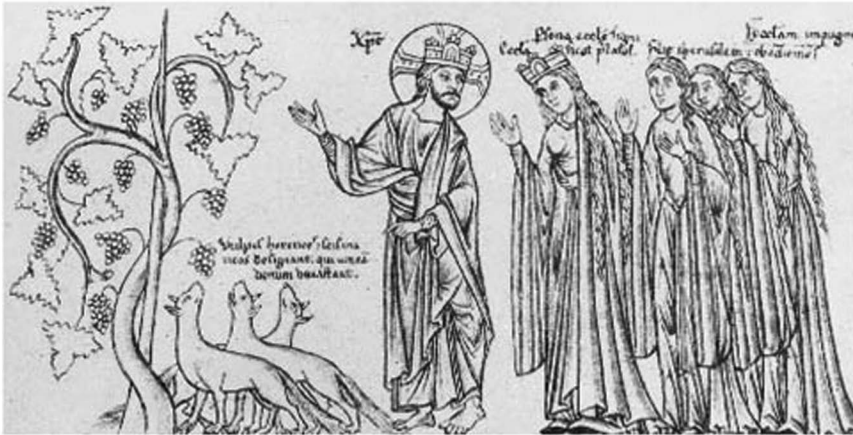


Figure 20.1 ‘Take us the foxes, the little foxes, that spoil the vines; for our vines have tender grapes’. In medieval exegesis of the Song of Songs, the ‘little foxes’ were identified as the heretics who preyed on the Church’s vineyard. In this illustration from the late twelfth-century *Hortus deliciarum* of Herrad, abbess of Hohenburg (fo. 225r), the little foxes have designs on the vines while Christ indicates the situation to three suitably concerned ladies led by Ecclesia, ‘the Church’. Photo: Warburg Institute, London.

written Catholic theology, the reverse is the case for Catholic laity and Cathar followers. While we know so much and in such colour and detail about the smaller number of people – even in the Languedoc – who were the Cathar ‘laity’, the piety of the majority, the Catholic laity, is known rather thinly, reconstructed from dry and indirect evidence. One pattern of survival of evidence (more theological treatises and less detailed knowledge about the laity) constructs Catholicism as more coherent and uniform than it was, while the opposite pattern constructs Catharism as less coherent and more multifarious than it was.

This is all now a very long time ago. Over the centuries polemical treatises and trial records have languished in archives and libraries, getting destroyed or lost or being rediscovered and finally preserved through publication. Various forms of Christianity have risen, flourished or decayed, as well as new schools of thought and developments in scholarship, all mediating between us and these people as they recede further from us. In 1953 a young German historian devoted the first chapter of his book on the Cathars to a history of these later constructions (Borst 1953: 1–58). After running through the representation of medieval heretics by their Catholic contemporaries, he passed in review the period from the Reformation to 1950. Sixteenth- and seventeenth-century Protestant historians wrote of medieval heretics in their own image, as forerunners, establishing a line of witnesses to truth between the early Church and Luther, while Catholic historians turned the coin round, seeing modern Protestants as the heirs to this impure and erroneous tradition. Both lines were to persist well into the twentieth century. Romanticism added an association between heresy and liberty. Friedrich Engels prefaced his history of the peasant war in Germany with an account of medieval heretics as forerunners of revolution. The ideologists of the feudal social and political order were the clergy and the ideology

was orthodox Christian faith. Therefore any protest against the existing social and political order was necessarily couched in the terms of resistance to this faith: heresy. Strip the theological veil from a medieval heresy and what you see underneath is political protest. Waldensian rejection of oaths might *appear* just to be literalism in following a gospel injunction (Matthew 5.34), but it was at the same time radical opposition to the fundamental bond of society, the feudal oath. Political and cultural separatists of the Languedoc presented medieval Cathars as representative of the spirit of Occitania, set against the brutal conquering spirit of northern France. A German National Socialist ideologue saw in medieval heretics an earlier Aryanism protesting against a Mediterranean priesthood.

So: medieval heretics have had an existence after the Middle Ages, and during this after-life they have been changed and reshaped. Consider the example of the late-medieval fossilised Waldensians who survived in the valleys between Piedmont and the Dauphiné into the sixteenth century (Audisio 1984; Cameron 1984; Paravy 1993). Still recognisably products of the apostolic religious movement of around 1200, Waldensian preachers took vows of chastity as well as of poverty and obedience, and they had itinerant missions. They had celibate sisters: nuns. The vast majority of the little books they carried around with them as aids in preaching and hearing confessions were adapted or distilled from the great standard vices and virtues literature written in the thirteenth century. They put great emphasis on good works. As the Swiss reformers around 1530 looked at these curious survivals, they saw much to embarrass them: in particular, so much that was theologically, spiritually and culturally *Catholic*. Letters between Oecolampadius and Bucer show all this being discussed and dealt with. Nominal change came with the adoption of new creeds, real change came over the middle decades of the sixteenth century with the dropping of celibate and itinerant preachers, sisters, and auricular confession, and the substitution of Calvinist theology and organisation. This real change had its counterpart in Protestant historical writing, in which the Waldensian past was increasingly dominated by their concern to possess scripture in the vernacular, their hostility to the Roman Church and, above all, their suffering of persecution. Other things receded into the shadows. During the sixteenth century medieval Waldensians became forerunners of Protestants, and then over the following centuries they became medieval Protestants. Only late in the twentieth century has scholarship at last succeeded in removing the dark filter of Protestant historiography, showing the profoundly medieval Catholic elements which still characterised the late medieval Waldensians.

It is necessary to look at all the other filters which have been interposed between us and medieval heretics over the intervening centuries, by modern schools of scholarship as well as ideologies, modern sociological history as well as, say, Occitan separatism and Catholicism, in order first to detect the distorting colour which is distinctive to the movement in question and then to struggle against the distortion. Doing this is clearly necessary, but at this point I would like to suggest that it helps us only so far. There is a rhetorical-logical danger in the way historians present their deconstructions of the earlier historiographical distortions. Distilled, they can be presented thus: 'medieval heretics have been represented as Manichees, Protestants, proletarian revolutionaries, Occitan separatists. . .'. Here it is style – the reduction to such brevity – which is insidiously making the case for absurdity. But there is a

more serious problem with the method and metaphor of identifying and discounting filters and, as I shall explain, a more useful metaphor that we may employ.

I can take the writing in which medieval Languedocian Cathars are put forward as exponents of a distinctive spirit of the Languedoc – the philosopher and mystic Simone Weil is one spiritually elevated example, the Toulouse journalist-turned-historian Michel Roquebert is a more earth-bound contemporary example – and I simply point to the modern Occitan cultural and political separatist movements of which these are various expressions (Roach 1997). I can turn to Catholic historians of heresy and the age-old Catholic concern to establish the author and inventor of a heresy, or from where it comes, and I can point to the polemical agenda: how could it be the true Church, with *that* origin and history? Labelling these approaches Occitan-separatist and Catholic I then discount what these writers say. But I am being too quick. Polemically concerned to demonstrate alien origin, a Catholic historian is not necessarily mistaken when finding evidence for it: only mistaken in focusing solely on that. Searching in Languedocian depositions for evidence of hatred of the northern French (it was mainly northern French soldiers who were involved in the crusade which crushed heresy in the Languedoc), the Occitan separatist historian is not mistaken when finding it: only mistaken in forgetting that Cathars had not just been Occitan but also German, Flemish, northern French and Italian. And there is more to say. We have in fact been helped to see certain aspects of medieval heretics much more clearly by various post-medieval ideologies and movements in scholarship. Cathar theology and liturgy *were* imported from the east (Hamilton 1994; Paolini 1994; Hamilton and Hamilton 1998: 43–6); there *was* resentment of the northern French. We are indebted to a whole variety of outlooks for further understanding of particular areas. The spotlight is a more useful metaphor than the filter, suggesting more brilliant illumination than before of some aspects of medieval heresy, at the expense of others whose darkness deepens. Let us turn to some of the post-medieval schools – Protestants and Catholics, Marxists, and others – thinking in these terms.

There is real hatred in Protestant and Catholic historiography. In 1163 Cathars were burnt to death in Cologne, and in 1178 many in northern France and in 1183 many in Flanders. In 1201 a knight who was a Cathar follower was tried in Paris and burnt to death in Nevers. In 1210 a Cathar was burnt to death in London, as were also several Cathars somewhere (unspecified) in England in the following year. In Mont-Aimé in Champagne on Friday 13 May 1239, following a week of interrogation, 180 Cathars were burnt to death. While the geography of my selection – northern European – illustrates an earlier point about the southern skewing of our picture of Catharism, my main point is to remind the reader of the horror of repression. Heretics condemned and hated the Church that did this, and the Church condemned the heretics whose aberrant teachings, in its view, deceived people, leading those who died in heretical faith to suffer eternal damnation in hell: agents of the devil. Confessional historiography shrouded much in darkness, but it saw hatred more clearly than we do.

It is all too easy to parade the darkness brought about by Marx and Engels, the trimming of data about heresy to fit in with what Engels had written on the subject, and the encouragement, which was provided by Marx's and Engels' insistence – in itself provocatively useful – on the illusory self-consciousness of past epochs, simply

to disregard what people in the past actually said. In need of statement, however obvious, is the debt we owe to these post-industrial patriarchs. In the halcyon years before the coming of the crusaders in 1209, the lords of a small town in the region of Toulouse supported the Cathars, as did many of the knights and ladies, and in the houses where they listened to Cathar sermons, ‘adored’ Good Men and Women, and ate ceremonially with them, they found Good Men and Women who were often their mothers, fathers, uncles, aunts and siblings. The Cathar Good Men sometimes had workshops. The Cathar Church disposed of large sums of money, augmented by legacies which often numbered several hundred shillings and occasionally a thousand. Nobles, workshops, cash: important themes in any attempt to investigate and depict Languedocian Catharism, and even though our categories are now very different, the direction of our attention to these themes ultimately comes from Marxist concern with the priority of material life.

Montaillou: a village is described in many layers. The base of the pyramid is the physical geography of the terrain, and following this are accounts of pasture and woodland, population, agriculture, the economy, family forms, cultural exchanges and social relationships, and concepts of time and space, all based on quotation from the extraordinary detail of depositions in front of the inquisitor Jacques Fournier in Pamiers around 1320. The culmination is religion and images of the other world. The dominant element in the village, the peasant house – more imposing in translation, the *domus* or *ostal* – is transposed into religion, becoming in villagers’ minds their view of heaven: one enormous *domus*. Present in the village are various sorts of belief, Catholic, Cathar and deep-rooted peasant–Pyrenean, and they are not only themselves overlapping and inchoate but they also thoroughly imbue and are thoroughly imbued by everything in the village. We are being helped to see heresy and much else in these terms: ‘the sacred is only the social’ (Le Roy Ladurie 1978: 352). Others have traced the intellectual roots of this – a broader French historiographical tradition of looking at the ‘lived religion’ of ordinary people, and historians in the 1970s reading and being influenced by anthropology – and they have commented on Ladurie’s intellectual enterprise in spotting the wonderful opportunity offered by Fournier’s interrogations (Benad 1990). Once again, Catharism is represented by skewed evidence. There are abundant depositions but none of the no longer extant theological books used by the leader of the late Cathars, Peter Autier, on the basis of which he had preached, nor any document emanating from Cathar organisation. The depositions are from adherents who had listened to a handful of the Good Men of late Catharism, prominent among whom was one very peculiar man, Guillaume Belibaste. ‘Adherents’ – let us not forget what strikes every reader, their extraordinary life-likeness. They inhabit a curiously class- and rent-free village, and the personalities among them – an anarchic-minded shepherd, a free-loving countess – are curiously anticipatory of Bourvil, Stéphane Audran, and other players of such roles in the modern French cinema.

Central to *Montaillou* is localism: the deep study of a religion in a particular milieu. Among the brilliant exponents of localism have been Grado Merlo, in his study of Waldensians and other heretics in fourteenth-century Piedmont, and Pierette Paravy in her study of Catholics, Waldensians and sorcerers in fifteenth-century Dauphiné (Merlo 1977; Paravy 1993). While I look to the shadows I hope readers will take on trust my view that both these historians have achieved masterpieces

in their *pointilliste* pictures of Waldensianism. Advocating the local method, Merlo has developed the theory that the term *Waldensianism* (*valdisimo*) should be discarded and replaced by *Waldensianisms* (*valdisimi*), which now becomes the semantic banner for studies which emphasise the local autonomy and particularism of these phenomena (Merlo 1984–91). Multiple and various realities in the past, they came to be labelled *Waldensian* by persecuting medieval churchmen and later post-medieval Waldensian and Protestant historians, all locked in unholy alliance in imposing this uniform identity. Attractive and powerful though the arguments are, there are grounds for reservation. First, the skewed survival of records (little written theology, many scattered local depositions) in itself promotes a fragmented picture of medieval heresy. Secondly, medieval heresies tended to be secret organisations. Consider the Germanophone ‘Waldensians’ and the ‘Waldensians’ of the Alps of Piedmont–Dauphiné who appear in the inquisition records of these regions – I use quotation marks to signal doubt about identity. Should they be looked at separately? Regarded as autonomous expressions of dissidence, produced by the very different societies and cultures of upper Austria and north-western Italy? By chance a few manuscripts preserve Latin copies of a short Waldensian historical text, called the *Book of the Elect* (*Liber electorum*), which circulated among the Waldensians of upper Austria in the mid-fourteenth century, while one manuscript alone preserves the Alpine-valley dialect version which circulated among Waldensians in north-western Italy. These tiny fragments suddenly illuminate a dark area. The sharing of the same Waldensian text implies unity and communication between Waldensians of different regions and languages. We have other fragments of information: suggestions from around 1260 and 1300 that Waldensians of different regions, Germany, Lombardy and France, held councils, and that those travelling over the Alps from Germanophone regions into Lombardy would avoid detection by disguising themselves as pilgrims. They tried to hide their organisation from inquisitors, and now a recent turn in modern scholarship conspires to help it stay hidden.

Their women preach; they argue that women can preach. Catholic polemicists said this about the Waldensians, citing some of their arguments. The turning of the spotlight to this theme we owe to modern feminist scholarship, building upon a fundamental work by an East German Marxist historian, Gottfried Koch, who adapted Engels’ socio-political protesters to the particular case of women who were oppressed in feudal society. A consequence has been much illuminating modern work, which has concentrated on the high role of women among Cathars and Cathar appeal to women. It has preferred Cathars, possibly in part because they were more radical, and certainly because of the greater visibility of Cathar women (as also Cathar men) than of Waldensian women. We owe even more to the union in Koch’s work of the Marxist tradition with early twentieth-century German sociology. In a wide-ranging sociological-historical survey, Ernst Troeltsch had tried to identify ideal-typical characteristics of churches and sects (Troeltsch 1931, translation of a work of 1911). Sects originate as reactions against churches, and in their beginnings they are radical, typically propounding a priesthood of all believers and a critical attitude to various social issues (e.g. opposing war). As they progress through time they undergo *Verkirklichung*, ‘churchification’, adopting a separate ministry and becoming conservative on social issues. Adapted to women, this means some egalitarianism at an

early stage, and then, at a later stage in a sect's history, conservative exclusion from ministry and confinement to family.

Troeltsch's model can be applied as a hypothesis to the Waldensians. Right at the beginning Waldensian men *and women* wandered the streets and squares, preaching. In a debate held at Narbonne, in the presence of the archbishop and many other ecclesiastics, the Waldensians put forward arguments for women preaching. In one early set of sentences, passed in 1241–2 by the inquisitor Peter Sella, we see individual instances of the Waldensian sisters preaching in Quercy in the preceding years or decades. Soon, however, there is silence, and then long interrogations of the Waldensian Raymond de la Côte, by the inquisitor Jacques Fournier in Pamiers in 1319, confirm what this silence suggests, that women were no longer accorded an important role. It is a resounding success for Troeltsch, as we see the transition from the Waldensian sect's early radicalism to its later hierarchisation and its counterpart in the transition from early egalitarianism for women to their later exclusion.

If we have here the benefit of a spotlight we also have shadows. The choice of Cathars is mistaken. The visibility of larger numbers of Cathar women is a simple consequence of the greater survival of records from the Languedoc, where Cathars were the majority heresy, as compared with records from Germanophone areas, where Waldensians were the majority heresy. Insufficient heed has been paid to the fact that Catholic authors from the late twelfth to the mid-thirteenth century consistently argued for a special place for women among the Waldensians, while being significantly silent on the Cathars and on women. This modern research has also bypassed the simple contrasts between *what was said* by the two groups: Waldensians said women should preach; Cathars preached that created flesh was evil, a tenet which could most easily be turned against women's bodies (Benazet's deposition above; Note 4 below; Biller 1997).

From the sociologist's pattern there comes flickering light and shadow. Consider the decline and then absence of a role for Waldensian women, the evidence for which is the testimony of the Waldensian Raymond de la Côte. Here is the record of his interrogation. 'Asked if there are virgins among them and [if] virgins are received to their *status*, he replied no. He also said that in no way would they receive virgins to their *status*. Asked why, he said that [this was] because women cannot preach the word of God and because they cannot receive the orders of the priesthood, diaconate and *majorality* [= the three Waldensian Orders]. He also said that widows are not received among them, nor any other women, nor do they [the Brothers] cohabit with them: so he said' (Duvernoy 1965: i.74). We know that the impression given by these answers is misleading, for the Waldensian sisters still existed and we can name one of whom he must have known. The evidence is there: Raymond named various fellow friars, all male; their names overlap with those named by Waldensian followers sentenced by Bernard Gui; these names include a Waldensian sister, Raymonde of Castres. The point is generalised by a description of the Waldensians of this region and approximately of this date which says men *and women* were received in their order and that the women were called sisters; it goes on to describe the quiet and secret life of the sisters, living in houses in twos and threes pretending to be the wives or sisters of the friars, or as old women living on their own without men, though often visited by them (Gonnet 1998: 178, 180; Biller and Green 1994). The inquisitor Fournier knew that Raymond was trying to mislead, for the last words are the inquisitor's:

ut dixit, 'so he said'. We do not have to look far for further enlightenment about Raymond's words. All we need to do is to remember that he was a brave man who knew he was going to his death. The record tells us of his refusal to co-operate with the inquisitor, his steadfast refusal to give Fournier any information which could help him capture other Waldensians. So, while he would name cities where he had worked, he refused to name the villages he visited from these cities, and he refused to give the names of Waldensians who were still alive and free. And in the words quoted above he was trying to give the impression that the Waldensian Order contained no women, in order to protect the few (?) and clandestine houses of Waldensian sisters. The moral: taken as a hypothesis, the sociologist's pattern is extraordinarily useful in suggesting patterns in the data to look for and themes to debate; taken as law, it spreads darkness. The Waldensian sisters' later history is a continuation in two senses – continued existence, and continued successful concealment, so that it is *almost* impossible for us still to see them. All that is left is the ceremony in which they took their vows, described in depositions from Strasbourg around 1400, and a description of their form of life in the correspondence of Waldensians and Swiss reformers around 1530.⁶

Finally, if the enterprise of this chapter – 'problematizing the sources', as it is known in the trade – brings light, where is its shadow? My presentation of the problem of *seeing* medieval heretics is something which draws upon the work of many distinguished scholars, and this pedigree should be recapitulated first, before I suggest an answer. In 1935 Herbert Grundmann exposed the problem of following Protestant and Catholic historiography in pursuing separately the histories of religious orders and heresies. In 1953 Arno Borst showed how to write the history of the post-medieval constructions of medieval heresy, in religions, ideologies and schools of scholarship, and among others who have developed the historiography of medieval heresy further are Nelson (1980), Merlo (1984–91), and Hamilton (1998).⁷ In 1965 Herbert Grundmann showed the source-problems of depositions in which leading questions had been systematically employed (Grundmann 1965), preparing the ground for Robert Lerner's demolition of the sect of the Free Spirit in 1972, and also for Grado Merlo's analysis of fourteenth-century depositions from Piedmont as 'grilles' or 'filters'. Even as I write, this method is being further developed among the heresy-scholars of the University of Bologna, and in the study of the filters in the Languedoc depositions of 1237–84 which is now being prepared by Caterina Bruschi.⁸

The metaphors I have used have all suggested two things, that there is difficulty in seeing and that there is something to see, and the shadow cast by the first is its erosion of the second. More far-reaching scepticism in the historiographical modes which are current now may eventually suggest that the extant texts *create* these medieval heretics. A Cistercian historian wrote that, after the Albigensian crusaders had captured the fortress of Minerve, at least 140 of the Good Men and Women who were captured refused to convert and they were then thrown on to a huge pyre, where they burnt to death (Sibly and Sibly 1998: 85). Such events and their impact may be of decreasing interest to those historians who (like me) busy themselves 'problematizing' their sources, and to those historians who (unlike me) are increasingly interested in destabilising the notion that history deals with past reality.

2016 ADDENDUM

In 2001 the theme of ‘Through a Glass Darkly’ was the way the post-medieval world colours the lenses through which we look at medieval heretics. What has changed in the early twenty-first century? Let us look first outside academia. Christianity has shifted. The Catholic Church was called upon by Pope John Paul II to confront its past and apologise for faults. Academic seminars on inquisition were held in Rome between 1998 and 2009 to prepare the ground for an apology to heretics for their persecution. The initiative ground to a halt under the next pope, Benedict XV. Heretics never did receive the planned general apology, though a particular apology was addressed to Waldensians by Pope Francis in 2015. Secularism has continued to advance, inch by inch. This explains the lack of reaction to the recent description of medieval heretics – in their terms voluntarily embracing martyrdom for their faith by being burnt to death – as dying in defence of community values.⁹ In the economy of Languedoc one part, tourism, remains the same. The passengers in a Ryanair plane coming in to land at Carcassonne Airport still see a welcome to *Pays Cathare* (Cathar Country) writ large on the roofs of hangars below. Cathar castles are still on the tourist programme, and graphic books with wicked Dominicans and beautiful Cathar youths and maidens still crowd the shelves of the *librairies* (newsagents and bookshops) of the little country towns. But with the recession constraining public finance, the Département of the Aude withdrew its support from the Centre d’Études Cathares, which led to its fall in 2011.

Within academia, medieval heresies cannot vie with crusades as big business, but heresy specialists continue to be appointed as university lecturers, teaching the topic to undergraduates, and the heresy shelf-marks in university libraries contain ever more books. These show continuity in scholarship, but also a distinct shift. Let us look first at the traditional segment, concentrating as in 2001 on the Cathars and Waldensians. An extraordinary number of editions of inquisition records have appeared. Prominent are those relating to Quercy in 1241–2 (Duvernoy 2001; Feuchter 2007), Toulouse in 1273–82 (Biller, Bruschi and Sneddon 2011) and 1308–23 (Pales-Gobilliard 2002), Strasbourg in 1400 (Modestin 2007a, 2007b), Fribourg in 1430 (Trempp 2000), and Piedmont and the Dauphiné in the 1480s–90s, in the start of a large project (Benedetti 2005, 2013). Alongside these are two English anthologies of records from France (Léglu, Rist and Taylor 2014; Arnold and Biller 2016). We read the statements of an ever larger number of people interrogated about heresy – usually ordinary people, followers of or believers in preachers of heresy rather than the preachers themselves. Here we look through a magnifying glass, getting to know much more about these few people than we do about the many millions of ordinary Catholic parishioners. Documentation in a town archive enabled Trempp to accompany her massive edition of Fribourg interrogations with another large volume providing detailed lives of over one hundred of these people (Trempp 1999). Most of them were followers of the Waldensians, like some of those heard in Strasbourg – with whom they traded – belonging to a socio-economic elite. Feuchter was also able to link the inquisition records of 1241–2 relating to Montauban with urban archives, an astonishing feat at such an early date. He provided a partly prosopographical study of the following of the Cathars (strong among the urban elite) and of the Waldensians (drawn from lower estates), and a remarkably precise and solidly

founded account of both sects. In providing glimpses of each community in such depth and detail these caches of records encourage localism – what reality is there beyond them? At the same time, they are so compendious that each of them provides glimpses here and there of far-flung connections. A deponent tells of a letter coming to a bishop of the Cathars of Toulouse from a bishop of the Cathars of Cremona (Arnold and Biller 2016: 367, 372). Another, a fugitive from Fribourg to Strasbourg, refers to fellow-sectaries in Bohemia, Germany and the Romance regions, meaning Dauphiné and Piedmont (Trempp 2000: 344, 349).

There has also been a shift over the last fifteen years. This has been towards scholarship that is devoted to looking *at* the lens itself rather than *through* it, studying the Church's texts in themselves, together with the processes of repression which produced them. This has deep roots in much older German scholarship, in particular Herbert Grundmann's analyses of the stereotype of the heretic in the Church's texts and the character of records of interrogations (Grundmann 1927, 1965) and Arno Borst's historical account of the development of the medieval Church's texts on heresy (Borst 1953: part 1). The modern expansion was heralded by a conference held in 2000 devoted to *Texts and the Repression of Medieval Heresy* (Bruschi and Biller 2003). And it has acquired its classic definition in a masterly survey of the characteristics of the different genres of Church texts, sermons, legislation, inquisition texts and polemical treatises, in *Heresy and Heretics in the Thirteenth Century: The Textual Representations* (Sackville 2011). Individual genres have attracted studies and editions: records of interrogations and how to read them (Arnold 2001; Bruschi 2003); inquisitors' handbooks, treatises and legal consultations (Bivolarov 2014; Parmeggiani 2011, 2012); treatises about and against heresy (Bruschi 2016; Sackville 2016; Zerner 2011); diabolism in the images of sects (Trempp 2008); the iconography of the heretic (Trivellone 2009). This trend in scholarship leads logically to the individual inquisitor. How did one inquisitor's mind, outlook, character and experience shape the way he questioned people – and, ultimately, the truth-claims of the record of his interrogations? An example of this has recently appeared in Irene Bueno's monograph on Jacques Fournier (Bueno 2015), the inquisitor famous for producing the records that were ransacked by Emmanuel Le Roy Ladurie for *Montaillou*. Here Bueno juxtaposes to remarkable effect Fournier the theologian, who made observations on heresy in his commentary on Matthew's Gospel, and Fournier the inquisitor, recorded interrogating suspects in over 1500 pages in the modern edition.

While analysing hostile commonplaces in treatises against heretics or discussing the extent to which inquisitors' questions delimited the field in which answers were given, most of these scholars have thought that, although the lens distorted, there was still something the other side of it. The movements named and persecuted by the Church as heretical did exist, however misrepresented in the Church's texts. But some recent writers have been calling into question the reality of what the Church was fighting: what it *imagined* it was fighting. This deconstructionism has been detected in scholarship on both Waldensians and Cathars. The grouping is misleading, since the concern of the leading Waldensian scholar, Grado Merlo, was the investigation of unity or plurality in a movement (or movements) whose 'reality' he accepted (Biller 2006). It is the reality of 'Catharism', rather, that has been questioned, especially by Monique Zerner (1998, 2001), Mark Pegg (2001, 2016) and R.I. Moore (2012, 2016). Moore's presentation of the case in *The War*

on *Heresy* cleverly alluded to the phrase George W. Bush first used in 2001, ‘The War on Terror’. Could ‘heresy’ have been as intangible as ‘Terror’, and as malleable by medieval Churchmen’s nightmares as ‘Terror’ by the fear and imagination of modern Americans?

There has been much debate. Arguments for and against were presented at a conference held in University College, London, in 2013, and these can be read in *Cathars in Question* (Sennis 2016). The medieval Church destroyed most texts written by heretics. In 1969 the editors of a fine and large anthology of translations on medieval heresies had leant over as far as they could against the effects of this, presenting the fragments that do remain, such as the extensive surviving fragments of a theological treatise written by a southern French Cathar around 1220, and a Cathar ritual (Wakefield and Evans 1969: 278–89, 465–510). Now, in the deconstructionist accounts of the early 21st century, these texts are not used and quoted. The lens is no longer pointing at what heretics wrote, nor are ears straining to hear what they said.

NOTES

- 1 I am grateful to Alexander Patschovsky for information about his book, *Häresie und Politik. Zur politischen Funktion von Häresie in der mittelalterlichen Gesellschaft* (11.–15. Jh.). [2016: This book was not published.]
- 2 Friars translates the Latin *fratres*, which could also be translated *brothers*.
- 3 A new edition was announced by Annette Pales-Gobilliard (Pales-Gobilliard 1991: 143 note 4) and published in 2002.
- 4 Toulouse, Bibliothèque Municipale MS 609, fo. 106r: ‘Maledictus sit magister qui fecit istam corporadam!’. Et ipsa testis dixit ei, ‘Et nonne fecit vos Deus?’. Et ipsa respondit, ‘Eamus! Vultis modo scribere mihi istud!’. I take *corporadam* to be *corporatam*: ‘incarnated’, ‘fleshed’, ‘fleshly’ or ‘bodily woman’.
- 5 Formal legal procedure among Italian Cathars has been pointed out by Paolini 1994: 88–90.
- 6 This account is based on my article, ‘The preaching of the Waldensian Sisters’, no. VIII in Biller, P. (2001). Forthcoming from Shulamith Shahar is a book on Waldensian women. [2016: Shahar, S. (2001), *Women in a Medieval Heretical Sect. Agnes and Huguette the Waldensians*, Woodbridge: The Boydell Press].
- 7 See also the articles gathered in *Historiographie du Catharisme* 1979 and Merlo 1994.
- 8 Caterina Bruschi’s forthcoming book is entitled *Tales of Travelling Cathars*. [2016: with changed title, Bruschi, C. (2009), *The Wandering Heretics of Languedoc*, Cambridge Studies in Medieval Life and Thought, 4th series, Cambridge: Cambridge University Press.]
- 9 ‘A striking proportion of those who went willingly to the holocausts described in these pages did so as the defenders of values, a community or a way of life under threat’; Moore 2012: 330.

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CHAPTER TWENTY-ONE

À LA RECHERCHE DE L'ÉSPRIT LAÏQUE IN THE LATE MIDDLE AGES



Roberto Lambertini

*D*e rigueur, any account of the ‘*esprit laïque*’ in the medieval world, must start with the work of Georges de Lagarde (Lagarde 1956–1970). Revised time and again over some four decades, *La naissance de l’esprit laïque au déclin du Moyen Âge* has long enjoyed favoured status as one of the classics of the history of medieval political thought. For his remarkable knowledge of innumerable texts, such was Lagarde’s eminence that some of his suggestions retain their freshness and topicality still. As manifestations of *l’esprit laïque* Lagarde assembled a variety of phenomena allied to both political practice and intellectual debate and related to various aspects of Church influence in the temporal sphere. This broad meaning of *esprit laïque* allowed Lagarde to include a wide range of fourteenth-century developments as expressions of that spirit, culminating in the work of two authors: Marsilius of Padua’s *Defensor pacis* and William of Ockham’s *Dialogus* – political masterpieces both, and their common denominator: laicism (Lagarde 1956–1970, vol. II, *Secteur social de la Scolastique*: 329–336).

In the following pages, the reader will find a presentation of the position of both champions of the *esprit laïque* as provided by recent scholarship, and, in order to complete the picture, new trends in the study of medieval lay thinkers will also be considered.



According to some manuscripts, the *Defensor Pacis* (Marsilius of Padua 1932–33, 2005) was finished in Paris in 1324 (on 24 June, to be precise). Some weeks before, the dispute between Pope John XXII and Louis of Bavaria, German emperor-elect, had reached one of its peaks with the excommunicated Louis in his Sachsenhausen appeal charging the pontiff with heresy. Appearing at this juncture, Marsilius’s political treatise could claim to contribute to the restoration of peace by identifying the pernicious error that had caused strife and war, especially in Italy. Its first part (*dictio*), however, does not tackle the problem directly. Instead it deals with the origins, structures and forms of government of the political community, as unaided human reason perceives them. The main reference text is of course Aristotle’s *Politics*. However, only at a superficial level can the one be seen as a ‘summary’ of the other.

For Marsilius's approach to the *Politics* owes much to the tradition of commentaries on it established since its translation from the Greek by William of Moerbeke. Christoph Flüeler (Flüeler 1992, I: 120–131) and more recently Marco Toste (Toste 2015: 348–353) have noticed important similarities between Peter of Auvergne's question-form commentary on the *Politics* and the *Defensor Pacis*. But although relying on this tradition, Marsilius is able to be independent of it, as for example in chapter 9 of the first part, where he states that it is methodologically wrong to discuss whether it is better to establish the ruler by election or by hereditary succession before asking which type of ruler is better, the elected or the non-elected. Indeed, many commentaries on the *Politics* contain a question phrased in the way criticized by Marsilius (Flüeler 1992, II: 100–183). In order to corroborate his preference for election, Marsilius begins here the long *excursus* devoted to the concept of law that constitutes the most original feature of his political theory. He argues in fact that 'law' in its proper sense is positive law possessing coercive force in the present world. With this move, divine law becomes almost irrelevant to political issues, because it punishes and rewards in the eternal life. And natural law too is reduced to a secondary role, with the decisive question requiring the identity of the legitimate maker of laws prompting Marsilius's well-known answer: 'the universal body of the citizens or its prevailing part'.

Without going into further detail, it is important to notice that, according to such an account, ecclesiastical authority as such plays no part in defining the rules of political life. Following Aristotle, Marsilius considers *sacerdotium* as one of the six parts of the political community, and devotes a chapter to the truth of the Christian faith; still, the sphere of its expression is neatly distinct from politics.

Marsilius of Padua had been rector of the Arts Faculty in Paris, was familiar with his fellow-citizen Peter of Abano, and was closely connected to the famous philosopher John of Jandun, with whom he sought the protection of Louis of Bavaria, after leaving Paris under circumstances that remain unclear (Godthardt 2012; Briguglia 2013). Many contemporaries thought that John co-authored the *Defensor Pacis* and that was why the pope excommunicated him together with Marsilius. John of Jandun was one of those Arts masters who because they supported Averroes' interpretation of Aristotle have been labelled 'Averroists' (Schmugge 1966). It is understandable, therefore, that scholars (Lagarde amongst them: e.g. Lagarde 1956–1970, II: 305–321) should have looked to the Faculty of Arts for Marsilius's sources of inspiration and for a sort of 'political Averroism' that might have influenced him. Though his connections to this milieu are beyond doubt, identifying a specific Averroistic tendency in his thought has proved extremely difficult. For example, Carlo Dolcini has pointed out that John of Jandun himself, in discussing in his *Commentary on the Metaphysics* the relationship between positive and natural law, adhered to a position discarded in the *Defensor pacis* (Dolcini 1995: 16–18). More recently, other scholars have investigated the use of medical and embryological terminology in Marsilius's account of the political community (Shogimen 2007; Syros 2012). In sum, it seems that the Paduan physician and philosopher made use of different materials and languages to build what Nederman has called a secular political theory based on consent (Nederman 1995), one in which no place was left for the influence of the Church *qua* Church. Indeed, at the end of the first *dictio*, Marsilius declares openly that the real cause of strife and war is the unwarranted practice of the Roman

pontiff of intervening in the temporal sphere. Since Aristotle could not possibly have anticipated this danger, for the sake of peace the Paduan master himself sets out to denounce such pretensions.

The second, longer section of the *Defensor* is therefore devoted to showing that Christian Revelation does not conflict with the results of philosophical investigation. Marsilius, therefore, does not apply the ‘double truth theory’ that has been sometimes attributed to Latin Averroists. In his opinion, reason and faith based on a sound interpretation of Holy Scripture converge on the conclusion that the Church, contrary to what the pope and his supporters maintain, has no right to exercise coercive jurisdiction in this world. Marsilius bases his discussion on the principle that only the literal sense of Scripture is binding. For controversial issues going beyond that, the pronouncements of the General Councils define the objects of Christian faith. From such premises is derived an ecclesiology alternative to the traditional one. It is not only the primacy of the bishop of Rome that lacks foundation in Revelation. So too does any hierarchical distinction within the clergy. Instead, both can now be seen to be determined by historical arrangements. Not the Pope, but the General Council representing the whole body of the faithful, enjoys the prerogative of preservation from the risk of error in matters of faith.

Some chapters of the second *dictio* are devoted to the issue of the poverty of Christ and the Apostles, a topic hotly debated when the *Defensor Pacis* was published. In 1322 John XXII had in fact lifted the ban imposed by his predecessor Nicholas III, thereby provoking a long series of interventions by various theologians. The target of the discussion was ostensibly the Franciscan theory of poverty, since the Order of Friars Minor claimed to imitate Christ and the Apostolic community perfectly by renouncing not only individual rights to worldly goods but also every kind of ownership that could belong to the Order as such, with individual friars limiting themselves to factual use (Tabarroni 1990; Nold 2003). After a period during which opinions on this matter had been expressed both in treatises and in papal consistories, in 1323 the papal bull *Cum inter nonnullos* declared the Franciscan interpretation of Apostolic poverty heretical. By the time Marsilius completed his *Defensor*, therefore, John XXII had already adopted that position. The Paduan master was evidently familiar with the terms of the debate and was most probably acquainted with a treatise issued in the controversy (Brett 2005: 272; Lambertini 2012a). At any rate, Marsilius defends the ‘traditional’ Franciscan stance that it is possible in every case to distinguish dominion and use. While the Friars Minor, however, upheld that such a juridical status applied exclusively to their Order, Marsilius widens its scope, maintaining that the whole Church could and should live according to this definition of poverty.

Several scholars who have recently dealt with Marsilius concur in the view that the *Defensor Pacis* was thought as an *oeuvre de combat*, a call for action (e.g. Brett 2005: xxxi). Several features of the work indicate as much, including the fact that the third *dictio* consists of a sort of sophisticated *tabula*. *Tabulae* were tools designed to facilitate the identification of a passage in a large work. Indeed, Marsilius provides his reader with a list of the most relevant claims of the *Defensor* with reference to the passages of the treatise where arguments in their favour will be found. The master himself now abandoned academic study. As mentioned above, together with John of Jandun, Marsilius left Paris and reached Germany, where both were admitted to the court of the excommunicated Louis of Bavaria, whom Marsilius followed

in his unfortunate expedition to Italy. Judging from what happened in Rome, where Louis was crowned by the 'Roman people' in defiance of the tradition that reserved this prerogative to the pope, Marsilius must have been among his most influential counsellors. But Louis did not limit himself to coronation. In addition he issued a document declaring the deposition of John XXII and proceeded to the election of a new pontiff. It has been reasonably argued that *Gloriosus Deus*, the official document of deposition of John XXII, is, at least in part, strongly influenced by Marsilian ideas, the other source of inspiration being most probably Ubertino da Casale who at that time, albeit for different reasons, was also supporting the imperial cause (Dolcini 1988: 295–343; Cadili 2014).

Under pressure from the Angevin king of Naples, the emperor Louis was soon compelled to move northwards. In Pisa he met a small group of Franciscans – among them not only the Minister General, Michael of Cesena, and the procurator of the Order at the papal curia Bonagratia of Bergamo, but also the philosopher and theologian whom Lagarde considered the other main representative of the *esprit laïque*, William of Ockham (Lagarde 1956–1970, vol. V, *Guillaume d'Ockham critique des structures ecclésiastiques*: 274–280). All three were seeking a secure haven after escaping from Avignon in defiance of the pope. They would soon publish an appeal charging John XXII with heresy on account of his pronouncements concerning apostolic and Franciscan poverty. These dramatic events have been narrated time and again and do not require repetition here. It is however worth noticing that Marsilius's influence at the court seems to decline after this encounter. The Franciscan group around Michael takes the lead and has the sentence of deposition of the pope radically rewritten according to different ecclesiological postulates and reissued under a new title: *Cunctos populos* (Dolcini 1988: 345–9). According to a suggestion of Sylvain Piron, Ubertino may now have left the imperial group on account of a long-lasting rivalry with Bonagratia, stemming from divergent views on the matter of Franciscan poverty (Piron 2006a, 2009).

Marsilius stayed with the emperor, then followed him to Munich where he passed the last part of his life. It is possible that his influence is discernible in the anonymous text *Quoniam scriptura* (Dolcini 1988: 343–398). In his *Defensor Minor* he criticizes Ockham, though without naming him, on some ecclesiological points (Briguglia 2012; Lambertini 2012b).

The reception of the *Defensor Pacis* also followed divergent lines: on the one hand, papal condemnation of the work contributed decisively to an exclusively negative image, very often associated with very poor direct knowledge of the treatise. Marsilius became a sort of paradigmatic figure of the heretical enemies of the papacy and was often blamed for exerting a pernicious influence on other authors (Piaia 1999). On the other hand, a positive, although less visible, reception is observable. We are informed of translations in different vernaculars; the Italian vernacularization, based on the French one, survives (Marsilius of Padua 1966). Nicholas Oresme is familiar with the *Defensor Pacis* (Menut 1970). Some decades later, Nicholas of Cusa makes tacit use of the work, criticizing it overtly on some points. The heyday of Marsilius's reception was, however, the Reformation, both on the Continent and in England (Simonetta 2000; Izbicki 2012).

* * *

As noted above, Lagarde attributed an important role also to the Franciscan theologian William of Ockham. Differently from Marsilius, whose production before the *Defensor Pacis* is scanty and suffers from a complex manuscript tradition, Ockham entered the political debate bringing with him an extremely significant and influential literary output both in philosophy and theology. These circumstances encouraged Lagarde's predilection for establishing, or at least suggesting, connections between the metaphysics and the political theory of the same author. A telling example of that approach is to be found in the second volume of his main work, where remarkable knowledge of a huge range of texts is displayed. For many authors, from Thomas Aquinas to John of Paris, from Bonaventure to Scotus, Peter Aureol and Francis of Mayronnes, Lagarde seeks to locate the link between their ontological assumptions and their position in political theory (e.g. Lagarde 1956–1970, II: 153–160, 265–301). William of Ockham serves of course as an important test-case, being at the same time one of the outstanding figures of late medieval 'nominalism' and intellectually the most prominent member of the group of Franciscans who rebelled against John XXII and defected to the emperor. It goes without saying that Lagarde (1956–1970, vol. IV, *Guillaume d'Ockham: Défense de l'Empire*: 281–289) sees Ockham's stance as founded on the individualism that should flow almost naturally from his nominalism. As the English Franciscan friar was also considered a convinced 'voluntarist', it seemed obvious that, in his opinion, human institutions could not be based on anything other than agreements among individuals rather than on features of their common nature.

Lagarde observed that Ockham had written a lot, maybe too much, on Franciscan poverty (1956–1970, V: 302). As a matter of fact, after Lagarde research has focused on the Franciscan background of Ockham's political works, which had already received ample attention in Jürgen Miethke's *Ockhams Weg zur Sozialphilosophie* (1969), a monograph that explored in detail the context in which the Franciscan theologian entered into controversy with John XXII (Miethke 1969; Miethke 2008: 248–95). One of the most relevant results of this approach was to show that the issue of Franciscan poverty was not only the context for the rebellion of a thinker who, up to that point, had devoted his attention to logic, ontology and what we would call philosophical theology. As is well known, William of Ockham joined the group of the supporters of his Minister General, Michael of Cesena, while he was in Avignon on account of a process concerning some of his theological positions that had no evident correlation with either ecclesiology or politics. Looking back to that period, in a later letter to his brethren, he would claim, not altogether convincingly (William of Ockham 1995a), that he had spent four years in Avignon without feeling the need to read the papal bulls concerning Franciscan poverty. Be that as it may, we have to wait some years after his escape from Avignon for his first personal contribution to the debate, namely, his *Work of Ninety Days* (William of Ockham 1963–74, 1995a, 1998), although he had most probably already participated in the team work that lay behind the official appeals signed in the first place by Michael of Cesena (Gál and Flood 1996; Wittneben 2003).

The *Work of Ninety Days* is an unremitting and detailed refutation of the papal bull *Quia vir reprobis* (1329), in which Ockham makes intensive use of what his fellow refugees had already written, in particular the documents penned by Bonagratia of Bergamo on behalf of Michael of Cesena and by Francis of Marchia (Suarez-Nani

and Duba 2008; Lambertini 2012b). Through their mediation, but also directly, he draws on the apologetic tradition of the Order which had its origins in the years of the Parisian controversies with the theologians of the secular clergy and had acquired further refinement after the authoritative intervention of Pope Nicholas III. It can be shown that a sort of political theology underlies that tradition, in that the Franciscans needed an account of the origins of property rights and power consistent with the contention that their Order observed absolute poverty, in the sense that its members renounced all rights to property, both as individuals and as a community. A solution was not easily formulated, but the task of searching for one involved many of the Order's most prominent theologians, who had recourse to the theology of Original Sin and the traditional idea that, before the Fall, private property did not exist, and was introduced only after sin had entrapped humankind. In the Franciscan reinterpretation of this doctrine, if Adam and Eve had not sinned, humanity would have enjoyed common use (not ownership) of the goods of this world, everybody would have had the possibility of satisfying his needs and nobody would have transgressed the limits set by necessity. Strife and litigation would have been avoided without having recourse to a division of goods. In the post-lapsarian situation, however, the distinction between 'mine' and 'yours' became necessary (Tierney 1997; Töpfer 1999). As Brian Tierney showed years ago, the traditional doctrine had as a corollary that, in case of necessity, the original community of goods is more binding than the arrangements concerning private property (Tierney 1959).

Now, renouncing all rights of property, even those held in common by a community, is possible precisely because post-lapsarian division does not belong primarily, but only secondarily to human nature. To a certain extent (which was interpreted in different ways) it is possible to restore the pre-lapsarian situation in some communities. This happened with Christ and the Apostles. With their vow of poverty, the Friars Minor imitate perfectly the apostolic community. Their renunciation of everything except the *simplex usus facti* of necessities allows them to live in a way comparable to that of humankind before the Fall.

This interpretation of evangelical poverty was controversial. For example, Aristotle's critique of Plato's community of goods in the *Republic* cannot be accepted without qualification. Hence John Duns Scotus's treatment of this issue in his commentary on Book IV of the *Sentences* (Wolter 2001): according to the Subtle Doctor, the Stagirite is right only concerning the fallen state of humanity, not human nature as such. In his interpretation, the division of property among humans is traceable back not to their natural features but rather to positive laws promulgated by those who are authorised to legislate. In turn, such legitimation derives from a consensual agreement among people trying to find a way to stem the pernicious consequences of Original Sin (Lambertini 2005).

John XXII's bulls were aimed at the central tenets of this Franciscan interpretation: with *Ad conditorem canonum* (1322) he denied that the juridical status claimed by the Franciscans was consistent with the basic principles of law; with *Cum inter nonnullos* (1323) he prohibited as heretical the assertion that Christ and the Apostles were absolutely poor in the sense intended by the Franciscans (Lambert 1998; Nold 2003; Wittneben 2003). After the rebellion of Michael of Cesena, the pope issued a further bull, *Quia vir reprobus*, an articulated response to Michael's appeal of 1328 in its shorter version, where he maintained that Adam had rights of

property on goods even before Eve's creation, that rights of property are of divine origin, and that Christ as a man could not be considered 'poor' because he enjoyed lordship over the whole universe.

Ockham's intervention in this controversy, the *Work of Ninety Days*, can be considered an updated and sophisticated version of the Franciscan position, which also tries to counter the arguments put forward by the pope in *Quia vir reprobatus* (Miethke 1969; Lambertini 2003). The English theologian insists on the purely human origins of private property and dismisses all papal claims concerning Christ's lordship, referring all crucial authoritative quotations to Christ as God (that is, not as a man) or to him after his resurrection (Lambertini 2000). Interestingly enough, in this context Ockham remarks that this claim of John XXII is closely related to unwarranted papal pretensions in the temporal sphere. In this way, in the context of a heated polemic on evangelical poverty, Ockham touches upon some political questions that will become more and more important in his later production. In his following works, in fact, new problems come to the fore. For example, in the first part of his *Dialogue* (William of Ockham 1995b), he deals with the problem of heresy and, in particular, of papal heresy. Being persuaded that John XXII had abandoned the orthodox truth, Ockham now focuses his attention on how the Church should react when confronted with such a situation. Ockham maintains that every believer, starting from those who hold the highest offices in the Church have the obligation, that is at the same time the duty and the right, to defend the truth. This implies that, if all prelates, or even the entire clergy, fail to resist heresy, this duty passes to the laity, meaning not only the secular rulers, who of course bear a greater responsibility, but also the whole Christian folk. Developing his ideas about the Church some years later, in the third part of his *Dialogue*, Ockham insisted on the fact that he did not contest the legitimacy of ecclesiastical hierarchy, but that there are cases, such as papal heresy, wherein the hierarchy can be superseded in the name of a higher principle, namely the common good of the Church. In this part of the *Dialogue* scholars (e.g. Shogimen 2007: 185–194) have recognized a confrontation with Marsilius's ecclesiology. The Paduan master had dismissed the papal primacy as devoid of any support in Holy Scripture and held that the General Council alone had the authority to define truth. Ockham, on the contrary, argues in favour of a continuity between the historical fact of Christ's appointing Peter as head of the believers and the legitimacy of Peter's successors. But he also claims that in some cases it can be preferable for the Church to be ruled in a non-monarchical way. Appealing explicitly to Aristotle's discussion of monarchy in the *Politics*, Ockham argues that the rule of a single person is in general the best form of government, but not the best solution in every situation. The existence of the papacy as a monarchical institution is therefore not absolutely necessary for the well-being of the Church. This applies to particular circumstances. As a general rule, however, papal power is subject to limitations. Ockham speaks very often of Christian law as a law of liberty, meaning that the pope does not enjoy any fullness of power over his subjects, because they possess some rights. Unless they forfeit these, they must be respected. One can easily understand why historians of the idea of subjective rights have investigated Ockham's work with close attention, although it would be anachronistic to identify Ockham's view with modern conceptions of natural individual rights (Tierney 1997; Lambertini 2015).

According to the Franciscan friar, the sphere of temporal power is not in itself subject to papal power. In his *Short Discourse on Tyrannical Government* (*Breviloquium*: William of Ockham 1992, 1997) Ockham stresses that after the Fall God bestowed upon humanity the power of establishing rulers, in the same way as He allowed them to introduce ownership (which did not exist in the pre-lapsarian state), in order to restrict the ruinous effects of Original Sin. As a consequence temporal power is legitimated by agreements taking place among human beings as such, also before Revelation and in countries which do not profess the Christian faith. Approval by ecclesiastical authority is not necessary. Ockham applies his distinction between general rule and the case of necessity also to temporal government, so that the subjects that have promised obedience to their sovereign have both the right and the duty to resist if the sovereign acts against the common good of the political community (McGrade 1974: 85–133; Kilcullen 1999).

Ockham's political writings were composed in Munich, under the protection of Louis of Bavaria; in a certain sense, they are a defence of the Empire, as Lagarde wrote, but not in the sense that he was the official 'court thinker'. On the contrary, as Miethke has shown, he was in competition with others (not only Marsilius) to gain some influence on the politics of his protector (Miethke 2004). The question of the reception of Ockham's political thought is rather controversial; although he is considered now among the most interesting political thinkers of his time, evidence of an early reception is ambiguous. The age of Conciliarism was for him, as for Marsilius, a highly favourable moment, although it seems that his monumental *Dialogue* has been used as a quarry for the arguments of others rather than as a source for Ockham's own ideas. However, some conciliar theologians, John of Segovia for example, did find inspiration in his writings (Offler 1990).

As indicated above, Ockham sought refuge at the imperial court together with the Master General of the Franciscans, Bonagratia of Bergamo, Francis of Marchia and some others. They had denounced the pope as a heretic and appealed to the whole of Christendom to rebel and depose him. This daring attempt was doomed to failure. After a short period of uncertainty, during which Michael found some support among the Franciscan friars, the pope again gained full control of the Order and the ranks of Michael's followers started to shrink. Once in Germany he had difficulties in maintaining obedience even in the territories controlled by Louis of Bavaria. From the source one gains the impression of scattered groups. This notwithstanding, they wrote another chapter of what Decima Douie once called the 'heresy of the Fraticelli' (Douie 1932). As is well known, tensions and open conflict within the Order of the Friars Minor went back to the end of the thirteenth century. With the name 'Spirituals' historians designate various groups of friars, and among them some prominent intellectuals such as Peter John Olivi, who were unsatisfied with the standards of observance of the Franciscan Rule and appealed, in various ways, for reform. Bonagratia of Bergamo and, later, Michael of Cesena were among the fiercest opponents of such tendencies, and after the election of John XXII they collaborated with him in their repression, culminating at Marseilles in 1318 in the death at the stake of four friars who had refused to abide by the papal decision (Piron 2006b). The reasons for Michael's rebellion were very different from those of his opponents inside the Order, so that his followers constituted a further group of Franciscan dissidents: papal documents witness to the awareness of the differences

even within the opposite camp. It has been reasonably argued that their relationship was of diffidence and mistrust (Piron 2009). Things may have changed over the years, since the heresy of the *fraticelli* lasted into the sixteenth century (Lodone 2012). At the beginning of the Quattrocento, some sources distinguish between *fraticelli de paupere vita* (who were regarded as the heirs of the Spirituals) and the *fraticelli de opinione* (who were faithful to Michael of Cesena's legacy). At any rate, some of Ockham's arguments against John XXII continued to be used by different groups labelled as *fraticelli*.

* * *

As already shown, Lagarde's *esprit laïque* consists especially in opposition to Church hegemony on political life; also individualistic tendencies are judged relevant, since the emphasis on the single person is considered incompatible with the medieval organic conception of society. To summarize: Lagarde investigated the origins of what he found distinctive of modernity: secularism and individualism. A different approach to this problem has emerged in the last decades from within circles of scholars mainly devoting their attention to the history of philosophy. Amongst these, Ruedi Imbach has played a ground-breaking part with his *Laien in der Philosophie des Mittelalters* (Imbach 1989). In simple terms, this approach does not focus primarily on the aspects of medieval thought that can be seen as 'anticipations' of what intellectuals today consider typical of a lay attitude to knowledge and life in general. Imbach and scholars who were inspired by his suggestions want to investigate the role laymen, understood as a social and cultural group distinct from the clergy, played in the philosophical discourse of the late Middle Ages. In their opinion, too many scholars have been influenced by the cultural hegemony of the clergy in medieval educational institutions and privileged what clerical intellectuals thought to be the core of theological and philosophical practices. In this way, they have neglected the cultural output of the laity in its specificity, reproducing a prejudice that has its origins precisely in the supercilious attitude of clerical medieval thinkers towards the laity: the extended meaning of 'layman' as 'non-expert' is obviously connected with this prejudice. Questioning it allows Imbach also to widen the spectrum of the texts that are pertinent to the study of philosophical discourse: not only commentaries on Aristotle or on Peter Lombard's *Sentences*, disputed and quodlibetal questions, but also vernacularizations, encyclopedias, didactic poetry and so on. In principle, also works that are addressed to a lay public could be taken into consideration. But this can cause methodological problems, since many authors belonging to the clergy have written more or less popularizing works aimed at a non-clerical audience (Imbach 1989).

In a recent book, whose French title can be rendered as *The Lay Challenge* (Imbach and König-Pralong 2013) Ramon Llull, Dante, Petrarch and Christine de Pizan receive special attention as representatives of lay contribution to philosophical discourse. Dante Alighieri stands out as one of the most fitting examples of this lay way of thinking and not by chance Imbach has written an 'initiation' to medieval philosophy bearing the title *Dante, la philosophie et les laïcs* (Imbach 1996). The great Florentine poet was a married man who had acquired his astonishing knowledge without benefit of an ordinary university curriculum, despite attending 'disputations of the philosophers' after his 'conversion' to philosophy – in all probability

activities organised by Arts masters at Bologna University. He had certainly been active as a politician in his own Florence, in 1302 paying with life-long exile for his opposition to papal politics in the Toscana, and thereafter trying (although in vain) to find political support to make his return. Recently it has been remarked that Dante is an outstanding figure, but so too were other laymen within his intellectual milieu, men such as Guido Cavalcanti, Cecco d'Ascoli and Cino da Pistoia (Coccia and Piron 2008).

Sometime between 1303 and 1309, Dante worked at a treatise that survives as just a fragment: the author planned most probably fifteen books, but accomplished only four: *The Banquet* (*Convivio*) (Dante 1990, 2014a). What is left, however, adumbrates a philosophical project bearing some of the most significant features of a lay philosophy in the sense envisaged by Imbach and König-Pralong (2013): first of all, written in Italian vernacular, a choice that is explicitly defended in the first book; second, with, apart from the prologue, each book opened by a *canzone* authored by the poet himself and structured as literal and allegorical commentary on the poetic text; and third, with Dante addressing a lay readership, and, more specifically, noble men and women who lived in the courts of the *signori* and in other Italian cities, where arts and crafts guilds played an important political role, as did members of rich and powerful families which owed their position not so much to economic activity as to their possessions in the *contado* and to their long-lasting influence on the political and military life of the city. For these, who are too much involved in political affairs or in taking care of their patrimony to devote themselves to the study of philosophy, Dante will prepare a sumptuous banquet, serving them with the knowledge necessary for virtuous life (Fioravanti 2014: 54–58). In the four extant books he touches upon several topics, from astronomy to the classification of sciences, from the theory of vision to the essence of human happiness. Keeping an eye on Dante's audience, it is not surprising to find that in Book IV he discusses nobility too. In the context of this discussion the Florentine exile finds the opportunity of disclosing his political views. In good Aristotelian fashion, Dante argues that human beings need one another to achieve the purpose of this life, namely happiness. This is the function of the three fundamental communities – family, village and city – at different levels of perfection. While the Stagirite had seen in the *polis* the ultimate stage of this process, Dante adds other levels: not only kingdom, as he could find already in Aquinas and Giles of Rome, but also a universal monarchy that alone can guarantee peace on earth, setting limits to the ambitions of the particular kings who are subject to the emperor. The *Banquet* contains other arguments too in favour of the necessity of a unique monarch for all humanity. Some of them are taken from the traditional defence of the monarchical constitution. One is inspired by a rather original theology of history: not by chance had Christ's incarnation taken place during the reign of Augustus, as the Roman Empire had secured peace in the whole world. According to Dante, this historical fact shows that a universal empire, ruled by the Romans, is part of the divine providential plan on human history.

Specialists still discuss the reasons why Dante interrupted and never resumed his *Banquet* (Fioravanti 2014: 18–19). At any rate, when he wrote his masterpiece of political thought, *Monarchia*, those political ideas were further developed and systematically substantiated (Dante 1998; Dante 2014b). Again, there is no agreement among scholars as to the dating of the *Monarchy*, although almost everybody agrees

that it was written after the *Banquet*. Recently, Diego Quaglioni (2014: 828–837) assembled strong arguments in favour of 1312/13, during Henry VII's ill-fated expedition to Italy and before his unexpected death in August 1313, without claiming, however, definitively to have solved the problem. For their part, Chiesa and Tabaroni (2013) are more inclined to leave open the possibility that Dante worked at the *Monarchy* over a long period of time, until his death in 1321. By contrast with the *Banquet*, the audience of the *Monarchy* has changed, since Dante uses Latin and does not refrain from argumentative technicalities, apparently to show that he can compete at the same level with authors with university training. In the first decades of the fourteenth century many intellectuals, mostly belonging to the religious orders, were publishing political and ecclesiological treatises that, following Jürgen Miethke, are known under the label '*de potestate pape*' (Miethke 2000). Unlike most of this literary production, Dante's masterpiece does not deal principally with papal power, but obviously cannot avoid tackling the issue of its relationship to the Empire. The *Monarchy* is divided into three books, each of them dealing with a specific question. In Book I, the author asks whether a universal monarchy is necessary to the well-being of humankind. His answer has captured the attention of historians of medieval thought since the Florentine poet does not confine himself to what we might call 'the argument from peace', as already deployed in the *Banquet*, but bases his case on a metaphysical foundation. Drawing inspiration from Aristotle and putting further emphasis on his doctrine of happiness, Dante argues that happiness coincides with the perfect fulfilment of human cognitive capacities. This end cannot be reached by individuals alone, but only as a result of the collective effort of the whole species. Such a collective effort, in turn, finds in peace among human beings the necessary condition for its achievement. Therefore, universal monarchy is the necessary prerequisite for the attainment of the end which is proper to humankind in worldly life because it is the only institution that can secure peace. It would take too much space to describe in detail the arguments put forward by Dante to demonstrate that the Empire is the only guarantee of peace. What matters is the conviction that he has provided a philosophical basis for his political stance. Grounded on an idea of happiness that can be reached in this world and supported by rational arguments, Dante's position is not in conflict with his theological perspective: this emerges at the end of Book I, but more specifically in Book II and Book III. As has already happened in the *Banquet*, Dante inscribes the Empire in what modern theologians would have called the 'economy of Salvation'. Book II is devoted to the role of the Roman people in the Empire, since Dante has proven that an Empire is necessary, but now has to show that the Roman people (whose direct heirs are, according to him, the emperors of his times) have a legitimate right to rule over it. The general framework of the arguments in this book is the assurance that history is guided by God's Providence: the arrival of Aeneas on the Italian peninsula, the expansion of the Roman people in the Mediterranean area, their victories, the foundation of the Empire and the consequent period of universal peace have happened under the sign of God's will. In order to substantiate this claim, Dante gives vent to his passion for Roman history, but in particular for classical Latin poetry, inserting numerous quotations especially from Virgil, but also from Lucan, Ovid and others.

Book III enters directly into the heated controversy about the relationship between spiritual and temporal power. Significantly, Dante approaches the issue

from the point of view of the Roman emperor, posing the question whether the monarch of the world depends directly on God or on his vicar. Challenging directly the main tenet of the supporters of papal primacy also in temporal matters, Dante refutes the most relevant of their arguments, be they founded on the interpretation of biblical texts or on the significance of historical events (such as the notorious Donation of Constantine, which he judges formally invalid, without questioning its authenticity). In the end, he offers his own solution: man partakes of the nature of temporal corruptible things and of eternal, incorruptible ones. From this premise it follows that he is directed to two goals, two 'beatitudes'. The first can be reached on the basis of philosophical reasoning which recognizes in the universal Monarch the only means to attain it. The second transcends the limits of human reason: the supreme Head of the Church points towards its enjoyment in eternal life. In this way, Dante found two mutually autonomous spheres expressive of a duplicity that is metaphysically intrinsic to the nature of mankind. This excludes in principle any one-dimensional solution of the problem, so that, even if the last lines of the *Monarchy* speak of the reverence that the Emperor should have for the Pope, this is not to be understood – as some commentators have suggested (Sasso 2002) – as limiting the independence of the universal monarch, who derives his power directly from God (Dolcini 1988: 427–438).

The reception of the *Monarchy* has an intriguing history of its own: Giovanni Boccaccio reports a condemnation of the treatise by the papal legate in Bologna, Bertrand of Poujet, a few years after Dante's death (Boccaccio 1974; Quagliioni 2014: 812–814). Imbach (1989) and Francis Cheneval (1995) have pointed out that in Bologna, the *Monarchy* found interested readers in lay circles, so that its refutation by Guido Vernani can be seen as a reaction and an attempt to regain cultural hegemony over a lay audience. Not by chance did the Dominican friar dedicate his *Reprobatio* to a Bolognese politician who had also written a commentary on Dante's *Inferno* (surveyed also in Lambertini 2014). These and later debates, as well as implicit and explicit uses of Dante's political masterpiece in clerical and lay milieux alike, have been studied in particular by Cheneval (1995) and Cassel (2004).

It is to be observed that Dante's political thought hardly complies with Lagarde's reconstruction of the origins of the *esprit laïque*. Accordingly, *La naissance* contains few references to the poet (e.g. Lagarde 1956–1970, II: 334–336). Nor is it difficult to understand why the one's focusing on a universal empire was perceived by the other as alien to modernity. Moreover, the observation should serve notice of a more general warning. The discordance between lay and clerical perceptions (or our contemporary perceptions of such medieval discordance) should not be allowed simplistically to canonize concepts such as 'lay', 'alternative to clerical cultural hegemony' or 'progressive' in our evaluation of the events of distant centuries. The actual situation is much more complicated, with lines of opposition intersecting at different points. Doubtless, the social and cultural situation of a particular author deserves closer attention than it has often received in the past; still, scholars should avoid the danger of assuming that belonging to the laity, in the Middle Ages, always implies a cultural attitude that is opposed, in every respect, to that of the clergy or that can be judged as more 'progressive' according to our standards.

Take the case of Christine de Pizan (died c. 1430): although active several decades after Dante, Marsilius and Ockham, she is a telling example (Willard 1984). As

the daughter of a *magister* in astrology at the University of Bologna, a married woman with children, and then a widow, Christine belonged to the laity. Her intellectual output, very rich in quantity, is in the vernacular and encompasses poetry and prose in various literary genres. Not only was she a woman who defended the dignity of her gender against the prejudiced contempt of some male authors, Christine also protested against the exclusion of women from education and especially from higher education, denouncing it as an attempt to keep them subject to male supremacy as well as exalting the historical role of women in her writings. For years now her personality and her works have been a focus of interest in gender studies. As to her preferred sources, apart from Dante's *Comedy*, favourite texts included not only such 'classics' in French translation as John of Salisbury's *Policraticus* and Giles of Rome's *De regimine principum*, but also Thomas Aquinas. In her analysis of Christine's theory of science, however, Catherine König-Pralong (Imbach and König-Pralong 2012: 193–210) remarks that she is in a way more dependent than Dante on some patterns of scholasticism and that she responds to the fascination of male clerical culture. At the same time, while drawing on Giles of Rome, she does not share his view that the prince should confine himself to knowledge of practical use, leaving theoretical matters to university experts and theologians. On the contrary, Christine feels special affinity for the model of the philosopher-king as presented by Charles V of France (called *le Sage*), who had also been her father's protector. The king needed to have a good command of knowledge in all its aspects. In her extensive literary production the *Book of Peace*, although less well known than other works, exemplifies her attitude to learning and politics (Christine de Pizan 2008). In the turbulent years of Charles VI's mental illness, she dedicated this treatise to Louis of Guienne, the heir apparent to the French crown, then still a teenager. At first glance, this appears to be a rather traditional mirror for princes, in which the young are exhorted to cultivate princely virtues following the example of Louis' grandfather, Charles V. Louis is also reminded that Charles V liked to receive instruction in theology provided by the Chancellor of the University of Paris.

Christine did not limit herself to the sort of moral exhortation that might be addressed to every ruler, however. She also adopted a particular political stance, seeking to persuade the young prince to follow her advice in conjuring an agreement between the parties of the duke of Burgundy and John of Berry, rival contenders for the favour of Charles VI. In the political theory espoused by her (Forhan 2002), strife between the kingdom's noble houses was analogous to the insanity of a body whose limbs were in mortal combat one with another. The peace she seeks requires restoration of the established order with different social groups fulfilling each its own function. Thus, Christine inserts in her treatise chapters addressed to the lower classes of Paris, rebuking them sharply for their rebellion (apropos the revolt of the *cabochiens* in 1413). If the king is obliged to avoid vexing his subjects and to show clemency, so too must the common people respect the social hierarchy and their subordinate function within it.

Christine de Pizan combines unexpected self-respect as a woman and the defence of women's rights to education with political legitimism and distrust of the lower classes and their hunger for autonomy to the detriment of that subservience upon which the welfare of society depends.

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CHAPTER TWENTY-TWO

SAINTS AND MARTYRS IN LATE MEDIEVAL RELIGIOUS CULTURE



Carl Watkins

Why celebrate the saints? Why hold them in memory? Why mark their feasts? By the later Middle Ages, the Church had well-worked-out answers to such fundamental questions touching those figures – the ‘very special dead’ – who had been at the very heart of western Christianity since the age of conversions (Brown 1981). Jacobus de Voragine rehearsed the reasons in his thirteenth-century collection of hagiographical and martyrological readings, *Legenda Aurea*, when he explained the importance of the Feast of All Saints to his readers and auditors (Ryan 1993: II, 272–80). The reasons itemized in the *Legenda* were many, but at the heart of them were two that recurred in medieval rationalizations of why the saints mattered. First, the saints were of value because their holy lives offered holy patterns that might be emulated, encouraging those who heard about them to set little store by earthly things and set their sights on heaven instead. Then, second, because sin-stained human beings inevitably fell short and could not achieve salvation by their own devices, intercession of the saints helped them on the way to bliss. The saints were ‘friends, children and heirs’ of God who were well placed to plead for their fellow men, and they were ‘leaders and guides’ for those engaged in the struggles of life. Jacobus also drew attention to a further idea that had become an axiom: that what remained of holy men and women on earth was precious, for the bits and bones of the saints were not only a stimulus to memories of sanctified lives, they were also things of power in their own right, means by way of which help might be sought. Shining cadavers and wonder-working body fragments were ‘God’s repository, Christ’s temple, the alabaster vase of spiritual ointment, divine fountains, the organ of the holy spirit.’ In these passages Jacobus said nothing novel or startling – indeed, much of what he had to say was little more than a collage made up of extracts from venerable authorities. His work is a good place to start, then, precisely because of its conventionality. It distilled the essence of the Church’s normative position into a form designed for use by those engaged in the instruction of the faithful. Moreover, because *Legenda Aurea* became something of a ‘bestseller’, disseminated widely in Latin and vernacular versions in the fourteenth, fifteenth and early sixteenth centuries, it stands not only as a summation of standard wisdom, but also as an important means by which knowledge about the saints was re-circulated and reinforced across clerical and lay

communities. Jacobus, then, is the starting point. But what follows is an attempt to trace salient features in the social history of the saints, working out from the norms to the lived experience of ordinary believers: how, and how far, saints functioned as examples and as intercessors, and how the means of interaction with holy men and women were reshaped during the late medieval period in a context of larger cultural and economic change.

If there was a stable core of normative teaching about functions of the saints, as adumbrated by Jacobus, there were also perdurable practices and assumptions about saints and relics with roots reaching back through the early medieval period into late antiquity. At the heart of the cult were very special bodies, and the matter of what these could do for living men and women who venerated them, and what these very special bodies said about the world in which they lived and the world beyond the grave that one day they must enter. Bede suggested as much in his discussion of Chad and Cuthbert, emphasizing the potency of relic fragments, the works of healing, and the wonder of saintly flesh that resisted corruption (Colgrave and Mynors 1969: 346–7, 442–9). The power of saints' remains lay not only in means of wondrous help in the here and now, but also in their potency as earnest of life hereafter: bodily remains – defying change, enclosed in precious materials that had the same change-defying characteristics, sometimes producing miracles of healing and vengeance – materialized and demonstrated that triumph over death which was the Church's central promise to the faithful (Bynum 2011: 178–86). It is telling that sceptics often concentrated their fire on exactly that claim: for some Lollards the nub of the matter was that these were nothing but 'worme eten bonys' (Hudson 1988: 305), and Protestant critics too often focused on the essential dead-ness of the saint's remains, attacking the emotionally powerful and yet imaginatively difficult contention that shrivelled remains were possessed of a superabundant vitality.

The Catholic conviction that the saints *were* alive transformed the tomb from a void space into a site of power, and also into a house and the saint into its inhabitant, a contention reflected in the architecture of shrines marked recurrently by magnificence and sometimes by traces of domesticity. The saint's presence was revealed in the power to work wonders, and it was also manifested in personhood, in vestiges of the holy man or woman's personality imprinted on post-mortem visions and miracles. The child-saint of Conques, Foy, for example, has been understood by some historians to preserve something of the temperament of the mischievous child, performing jokes (*ioca*) in miracles recorded in the eleventh century by Bernard of Angers, though she seems to have undergone a makeover subsequently, appearing in miracles added later as a more austere and respectable sort of virgin who might command a high place among the martyrs (Remensnyder 1990; Ashley and Sheingorn 1999: 85). In England, too, the (pestering) voice of a child is audible in the miracles of Little St William of Norwich, the saint appearing to devotees and demanding gifts of candles, of which he appeared to be especially fond (Bartlett 2000: 467–8). Fragmentation of the saints' mortal remains neither compromised personhood nor diminished their power: the saints were fully present in each place where each of their scattered parts came to rest. It followed that because they were almost infinitely divisible, relics might be multiplied to meet widespread demand. Moreover, if relics could be split without harm, they were also held to transfuse holiness into other things through contact. The dust inside the tomb, Theofrid of Echternach (d. 1110)

explained, transmitted its properties to the outer casing of the shrine and beyond, such that ‘if anyone touches in firm faith the outer cover with his hand . . . he touches what is within’ (Angenendt 2002: 31–2). And touch – or even proximity – wrought change. It was even – famously – the case that pieces of cloth left in a shrine were thought to become heavier after their immersion, as if weighed down with new grace.

Implicit in all this, of course, was the deeper assumption that the saints, though theoretically available anywhere to hear the prayers of the faithful, were, in practice, most powerfully present in particular places endowed with fragments of them. That conviction had facilitated in the early Middle Ages an institutionalization of cult, whereby the bodies of the saints (and the most important disassembled bits of saints who had undergone fragmentation), came to be lodged in great churches that orchestrated liturgical commemoration, functioned as centres of hagiographical production and controlled access to the wonder-working remains. This concentrated potent spiritual assets in the hands of the religious, who benefited from the glamour conferred by the possession of holy bones, and it also ensured a measure of ecclesiastical regulation of cult. Yet institutionalization did not resolve the question of whose memories and remains should be treated as saintly in the first place, something that was especially pressing when new cults arose around recently deceased holy men and women. The solution to this problem changed over the course of time. Where in the early medieval period determination of new saints relied on popular acclamation and episcopal approbation, in the twelfth and thirteenth centuries an increasingly assertive papacy arrogated to itself the right to resolve who would, and would not, be raised to the formal dignity of sanctity (Kemp 1948). The shift seems profound, and in some ways it was: the hope of winning papal sanction gave new stimulus to the enterprise of hagiography and encouraged those who wrote *vitae* and *miracula* to do so with one eye on the curia, shaping their accounts of virtue and signs to Roman priorities. The substantive implications of the rise of papal canonization were, however, more limited than its evidentiary effects, since only a small proportion of the many saints venerated in the Christian West during the later Middle Ages were ever canonized. It remained the case that the greatest saints of the Church needed no papal *imprimatur*. The claims of many were anchored in scripture or in tradition and were sustained by liturgy, prayer and art. Many others – some old and some new – never achieved formal recognition in Rome, and yet remained vibrant in the devotions of particular regions or localities. These devotions, rooted in local church and chapel, are far less visible but no less important – perhaps more important for ordinary believers – than those anchored in the great churches and generative of *vitae* and *miracula*. Eamon Duffy’s study of Morebath at the very end of the Middle Ages reveals how an enterprising priest, Christopher Trychay, introduced a Devonian saint, Sidwell, whose cult subsequently flourished in the parish until the Reformation swept her and all the other saints away (Duffy 2001: 73–8). The study suggests the vibrancy and dynamism of the cult in a local community, and this is important because Morebath was unusual only in the richness of records, again the handiwork of its priest, that divulge the development, and therefore stands for a layer of rich devotions at local level seldom seen with such clarity. Moreover, beyond the bounds of the church, there was a landscape of extra-ecclesial devotions also centred on the saints. There are clues in varied sources, from *vitae* and *miracula*

to chronicles and episcopal *acta*, that the land's surface was populated with rocks, wells and trees and other features intimately associated with holy men and women, figures who sometimes had roles in etiological legends that made sense of particular topographical features. Many such sanctified places entered the record only when the Church tried to proscribe observances at them, or sought to canalize devotions (almost literally in the case of holy wells topped off with chapels designed to control access). Although often enduring, such cultic spaces had histories of their own – in which were inscribed changing fortunes, valuations and uses – but these, even more than histories of parochial devotions, are almost impossibly difficult to reconstruct. There is, then, a problem in trying to write about the saints: in those places where they mattered most – or more precisely, where they mattered *to* most, in the daily lives of ordinary men and women, in the quotidian interchange between living human beings in villages and towns and very special dead ones, the evidence is at its most exiguous. Nonetheless, there is enough of that evidence to reveal the practical limits of ecclesiastical control and the possibilities for lay agency, since cult remained decentralized and the saints, if not ubiquitous, were abundantly available in ecclesial and extra-ecclesial spaces consecrated to their memories.

Saints came in many guises. A standard medieval typology reprised by Jacobus de Voragine in *Legenda Aurea* split them into apostles, martyrs, confessors and virgins. In modern historiography, virtuous kings and nobles, learned bishops, hermits, mendicants and female ascetics have all been isolated as distinctive types of saint, and have sometimes been seen as archetypal of particular periods and regions. And yet however one chooses to divide the saints up into categories, the deep and broad imaginative appeal of one group, the martyrs, is a striking feature of medieval culture. The martyrs are significant in their own right, but their prominence is also suggestive of the role played by saints more generally in that culture, and of the priorities of devotees and the uses of the holy in their lives. Although opportunities for martyrdom had long since receded from a high water mark in the early Church, martyrdom remained the *fons et origo* of Christian sanctity, and the martyrs – especially the ancient ones – had not lost their glamour in the later Middle Ages. For Jacobus the martyrs came second in a hierarchical categorization of the saints, out-ranked only by the apostles (many of whom were, of course, martyrs too). The lives, and often gruesome deaths, of the martyrs were a hallmark of *Legenda Aurea*, the immense popularity of which testifies to the way in which their stories caught light in late medieval imaginations. Moreover, martyrdom's paradigmatic qualities were revealed in attempts to assimilate other saints to the martyr-type. This move was not a new one. Confronting the diminished opportunities for martyrdom in his own day, Isidore of Seville (d. 636) had argued for a primacy of intentions: that those who *would* have been martyrs had they but lived in time of persecution should be treated as if they *were* martyrs (Geary 1990: 39). Jacobus himself established the same equivalence in a different way. He drew on the thought of Gregory the Great to argue that through the patient endurance of shameful treatment and love of one who exhibits hatred there was a way to martyrdom 'in the hidden depth of thought', and he also used the words of Bernard of Clairvaux, who held that bloodless martyrdom might be achieved through abstinence, charity and chastity. (Ryan 1993: II, 276; Boureau 1984: III–33). Such ideas were rehearsed in England where the Virgin Martyrs rose to special prominence in parochial devotions, but where not all of their

number had suffered blood martyrdom. In *La vie sainte Audrée* the author argued that though his subject ‘was never put to death, she bore in her flesh the cross where Jesus suffered death . . . [and] there was as much virtue in this lady as if in the time of Diocletian and Nero, when they carried out the slaughter of Christians in their cruel rage’ (Wogan-Browne 2001: 123). Hers was martyrdom accomplished by way of mortification, one that relied upon prayer, weeping, hunger, thirst and nakedness that amounted to the ultimate sacrifice. But if martyrs had durable appeal, it is important to note that this appeal was not timeless: it also owed much to distinctive, period-specific emphases. For in offering up pale imitations of Christ’s own forbearance the martyrs resonated with particular force in a late medieval culture saturated with recollections of the Passion. For Christ’s sacrifice – his all-too-human pain and its redemptive effects – were foregrounded in theology, poetry and especially in art, ensuring that suffering, freely embraced, would be a currency in which holiness was readily denominated.

This ongoing emphasis on martyrdom, whether literal or metaphorical, had wider implications for the role of the saints, for although such spiritual athletes might in theory serve as examples to the faithful, they were ones that few could or would follow (Geary 1994: 22). The celebration of heroic suffering – whether through martyrdom or by analogy, through mortification – meant that, in practice, the saints were raised up far above ordinary believers and the example of their lives was put out of reach. What remained, then, when this fell away, was awe from which sprang hope of intercession. The power of the martyrs was something that resonated in stories that were triumphs, achieved by way of faith and love, revealed in a sublimation of the fear and pain of terrifying death into joyful serenity amidst the torturer’s fires and pincers. This liberated enormous miraculous energies, manifested in the legends as terrible retribution visited on the persecutors, often concentrated in relics and remains, and made accessible through prayer, such that the saint became a potent source of help and healing for ordinary believers struggling in a broken world. The connection, between suffering and post-mortem power was made plain in the cults of martyr-saints who specialized in forms of intercession related to the manner of their torments, such as Apollonia whose torturers had smashed her teeth, and so whose help was good for toothache, or Margaret of Antioch, who had burst from the belly of a dragon that had swallowed her and so was judged useful to women who faced the dangers of childbirth (Wilson 1983: 10).

That intercessory power, more than holy example, was at the heart of cult for most people is hinted at in other places too. When new saints were mobilized in the Church’s struggle against heresy they were deployed not only – and perhaps not primarily – as models to be imitated, but rather as figures of power, before whom men and women, whether orthodox, wavering or heretic, might be moved to wonder or tremble. To that end, successive popes, from Innocent III onwards declaimed that ‘signs and prodigies [of the true saints] confound heretics and confirm the Catholic faith’ (Goodich 1990: VII, 307). That the named angels of the Bible were conceived as saints is suggestive too, for they could offer no model for men and women to follow (Bartlett 2013: 163; Johnson 2005). And yet what angels possessed in abundance was power. Much the most prominent and popular of them was Michael who, as steward of souls and the balance-bearer of the psychostasis was wonderfully placed to intercede at the most critical of moments of danger, and as God’s general in the

war against Lucifer had an allure for those who sought victory and prepared for possible death on the battlefield. Neither the impossibility of his constituting an example nor the difficulty of empathetic or imaginative engagement with a bloodless creature disqualified him from the role of saint. Beyond such suggestive cases, there are also other more general reasons pertaining to late medieval soteriology as to why saints were configured first and foremost as heroes and champions. Ordinary men and women stood in need of intercessors in the face of sickness, crop failure and domestic calamity, on navigating the sea or fighting in battle, and when facing the dangers of childbirth or summoning up fortitude on the deathbed. And they needed them also, and more especially, in the world that lay beyond death, as sinners bore with them penalties due for offences that they had committed and confessed but which remained unexpiated. Centrally embedded in the Church's scheme of salvation was the assumption that the human person would inevitably fall short, that there was urgent need in life of grace dispensed through the sacraments, and that post-mortem suffering would follow, wherein the help of the saints was of immeasurable benefit, tipping the balance at judgment and shortening the pains in purgatory fire.

A crude measure of the value ascribed to the saints in these respects is to be found in the indulgences attached to visits to many of their shrines, but saints were much more widely available in parish churches and routinely present in devotions designed to smooth a way to salvation. In late medieval churches, the saints were integrated into visual schemes focused on the figure of Christ. Depictions of saints often filled out lower portions of screens that divided chancel from nave, evoking their role as intercessors with Christ, who hung from the rood cross immediately above them (Duffy 1992: 157–60). Moreover, in many churches screen and cross were surmounted by a representation of the Doom on the chancel arch, which also portrayed Christ, still often bleeding copiously from his wounds, and yet returned in Majesty, floating above images of souls being weighed and others of the resurrected dead, whom he had come to judge. Again the saints figured prominently, now transformed into a glorious and shining collective that offered advocacy at the last for the rest of humankind.

Among the saints in this scene, the one who invariably stood out was Mary, reflecting her centrality and ubiquity in late medieval religious culture. The Mary of the Doods was most often a regal figure – a queen who could petition Christ the King, but the more commonplace depiction of Mary in the later Middle Ages, whether in art or text, was less as glorious queen and more as grieving mother. One of the most powerful visual evocations of this idea was the *pietà*, which spread widely in the fourteenth and fifteenth centuries and figured Mary cradling the broken body of Jesus after it had been taken down from the cross. In this and similar compositions, Mary became a focus of empathy on the part of devotees who reached out towards Christ through her anguish. She was uniquely powerful in this because, as had long been established in theological and devotional writings, maternal grief absorbed her so fully in the pains of the son she had borne into the world (Fulton 2002: 405–70). Thus the particular understanding of Mary's unique position evident in the period concentrated not only on her proximity to Christ but on her share of his pain. The extension of this participatory logic, which supplied a rationalization of Mary's power, was that prayers might have special potency when intoned by saints whose sufferings, whether literal or metaphorical martyrdoms, helped to place

them close to Christ, who then accepted their sufferings as emulations of his own. The martyrs, Jacobus de Voragine observed, had been gifted to the church 'for the struggle that is life'. They had won crowns, had become more powerful in death than in life, and so were able, through accumulated merits and prayers, to intercede all the more effectually for their living brethren (Ryan 1993: II, 276–7).

The allure of the established martyrs also explains the appeal of new martyrs by blood in the later Middle Ages. These have significance beyond their numbers since they illuminate aspects of the inner workings of late medieval cult, revealing the imaginative potency of the shedding of innocent blood and the importance in late medieval culture of the idea of power released through total self-abnegation in the face of brutal death. Thomas Becket stands out from the small crowd of late medieval parvenus in the martyrs' ranks. In terms of pilgrim pulling power the bones of Becket had an unusual geographical reach and chronological range, and although this owed much to the politicized and promoted cult that grew up around them at their Canterbury shrine, the hagiographer of a new saint was only ever as good as his raw material – and in Becket that raw matter was very good indeed. The recapitulation of the sanguinary story of his end, before the high altar of his own cathedral, was at the heart of the cult, and the blood spilled there became the chief means (diffused in holy water) by which the shrine-keepers dispensed the saint's help to wonder-seeking pilgrims. Much was made in the hagiography of Becket's virtue, but it was the idea of innocent blood violently shed, especially as it was that of a churchman of such high rank, that gave the cult its rocket fuel. Claims about shedding of the blood of guiltless or of sacrificial death fired other cults too, often in the absence of official sanction and even in the face of ecclesiastical or royal disapprobation (Vauchez 1994: 147–56). There were child-martyrs, including those presented as the victims of the Jews, who were often championed enthusiastically by local churchmen and by communities who took up these new saints as their own. The Church hierarchy was, however, conspicuously reluctant to recognize them, presumably because the life meritorious had been cut short and so was incapable of verification (Rubin 1993: 164–9). There were 'political' saints too, whose sanctity began with a violent death that triggered a retrospective construction of a virtuous life. The hagio-historiography of 'Saint' Simon de Montfort, the English magnate and rebel killed in battle against royal forces in 1265, construed this virtue in both personal and in political terms, with William Rishanger tracing this through his chivalry, learning, moderation, pious regard for Holy Church, and opposition to Henry III's regime. The stimulus of the miracle-cult that formed around his dismembered remains was found, however, in the idea of self-immolation, validated in this case by the appearance of a spring that gushed forth from the spot where his severed head fell, and by the skies that had darkened in the wake of his death, daringly connecting Simon's end to the Passion itself. The putative St Simon was not alone in his political communion. Thomas, earl of Lancaster was, after his execution for rebellion in 1322, constructed as a personally virtuous man who worked tirelessly to make the king observe ordinances with which his magnates had sought to restrain him, but such praise-singing would have had a hollow ring had not a brutal death at the block metamorphosed him into a candidate for sainthood. The politics of 'modern' martyrdom extended to the Church itself, notably in its struggles against internal enemies. The murdered legate and hammer of the Cathars Peter of Castelnau was the subject

of a cult promoted by the papacy, albeit unsuccessfully, apparently because the merits of a senior churchman dedicated to the extirpation of heresy burned with limited brightness among ordinary believers. And although the question of who deserved the title of martyr might sharply divide the orthodox from the heretic, the essential concept of martyrdom often did not: the Cathars, for example, contended that some of their own, who had died for the faith at the hands of the Church, were the true winners of such crowns (Vauchez 1994: 151–2 n. 31). The martyrdom-narrative's imaginative force, and the extent of its plasticity, is also revealed by an extreme case in which it was stretched to accommodate a dog. The holy hound, Guinefort, was culted after being slain by its owner, who thought that the animal had killed a child which, in fact, it had been trying to protect (Schmitt 1983). The story, complex and odd as it is – and filtered through the reportage of a hostile ecclesiastical witness – suggests nonetheless the galvanic properties of blood blamelessly shed, here giving rise to a cult that was multiply subversive of established norms and categories.

A question prompted by many of these martyr-cults – and one with broader implications – was that of control, for some of these celebrations of innocence or virtue did not coincide with the Church's vision of them or, indeed, in some cases that of the state, prompting discouragement or repression of budding devotions. Beneath the question of differing estimations of virtue, there lay a further and arguably more pervasive issue, namely the relative weights to be accorded to virtue and signs when determining whether a man or a woman was saintly. Grassroots piety that privileged saintly power to intercede encouraged the treatment of miracles as the fundamental measure of sanctity, leading cults to develop as supporters worked backwards from the appearance of signs around human remains and secondary relics to the conclusion that a particular man or woman had been virtuous in life and thus was a saint. Such habits of thought prompted anxieties among some churchmen that found more formal expression in the later Middle Ages. Already in the early twelfth century Guibert of Nogent (d. 1124) voiced concerns that some supposed saints were culted without adequate inspection of the holiness of their lives (Ward 1982: 127–8), and then, as the sinews of control extending from Rome into the localities tightened during the later twelfth and thirteenth centuries, similar sentiments were articulated in more systematic form in the higher echelons of the ecclesiastical hierarchy. The Church's position was that 'neither deeds nor miracles are sufficient' to make a saint, but it reasoned that one must move from the firm ground of a candidate's proven virtues to the miracles that served as signs of God's favour. Signs, in isolation, were no evidence at all. They might be the work of evil angels rather than of God, an anxiety that was reflected at the very heart of a Church watchful of the Devil's enterprises. Innocent III in his canonization bull for Homobonus in 1199 reached for scriptural language to warn that evil angels could transform themselves into angels of light, counterfeiting good deeds and appearing to work miracles, and that wicked men or Antichrist himself might lead the faithful into error by such means (Goodich 1990: 157). These fears did not end with Innocent's pontificate. André Vauchez has traced the elaboration of the process by which signs were to be tested, with, from Gregory IX onwards, commissioners being equipped with lists of questions to help them sift out fakes and magical counterfeits (Vauchez 1994: 50). And these same concerns – articulated in similar language, and not infrequently with recourse to the same suite of biblical quotations – were articulated locally too, for the Church, in the grip of

centralization, was one in which currents of thought flowed freely around the regions and in which worries about discernment and the works of the Devil had a general circulation. The late twelfth-century English chronicler William of Newburgh worried away about 'false' cults (Ward 1982: 129–30), anxious that some might be frauds. When he recounted the story of devotions that sprang up around a notorious rebel William Longbeard after his execution, he painted a picture of fake signs of the dead man's sanctity got up by a relative, a priest who said a chain used to bind him had worked a miracle. This had helped to transmute punishment into martyrdom in the opinions of those William characterized as simple people; indeed, he intimated that even the wise had nearly been won over, until they called to mind the lack of virtue in the dead man's life. In another case, that of John of Northampton, a plunderer of the Jews murdered by another man for his ill-gotten gains, William hinted that darker forces were at work, since the origins of the devotions lay in old women being deceived by false signs (Howlett 1884–5: 310–12, II, 471–3). This time the sensible people were more instinctively sceptical, but again, 'the simple' were caught out, being saved by Hugh, bishop of Lincoln who moved in to quash the incipient cult.

If the saints were figures of power, they were also intimates. For however remote the saints were in their self-sacrificing heroism, shared humanity joined them back to the rest of the faithful. The essential flesh-and-bloodness of the saints persisted. Indeed, it was often graphically emphasized in *legenda* that lingered almost voyeuristically over descriptions of pain, playing on visceral sensations and moving the reader or auditor to sympathetic engagement. John Mirk, in his *Festial*, a fourteenth-century collection of readings for the feast days of the saints, emphasized that 'the seyntes that now ben yn Heuen wern summe tyme, as we ben now, of oure flesch and oure blode and our forme fadyrs' (Erbe 1905: 267). The evidence of wills suggests that such claims were not simply normative expressions but struck home among clergy and laity alike, for these documents are full of invocations of the saints at the moment that testators anticipated death and envisioned the life to come. Nicholas Blackburn, a wealthy mercer and one-time mayor of York, composed an unusually elaborate testament in 1413, one that was, nonetheless, unremarkable in its sentiments. He looked to the help of all the saints in their bright mansions, but specially, in a codicil that drew on the language of familial intimacy, to 'blessed modyr Saynt Mary' and 'hir blissid mothyre Sancte Anne' (Shaw 1908: no. 35). Examples of that sort could be multiplied, and would lead towards the same essential point: that saints were formidable and distant – present in heaven – and yet also supremely capable of being absorbed into close relationships. These might be patterned not only on kinship but also on friendship or lordship, models of affiliation that reduced contact with the sublime to comprehensible proportions. When Peter of Cornwall, prior of Holy Trinity Aldgate, reflected on his own ancestors' special connection with St Stephen (who was patron of the community of canons at Launceston which his grandfather Ailsa had served as lay advocate), he characterized his uncle, Bernard, a priest, as the faithful bondsman (*natiuus*) of the saint, so drawing explicitly on a language of hierarchical social relationships and casting the saint as good lord. In describing Ailsa's relationship with St Stephen he reached for a language suggestive of more intimate connection: Ailsa was the saint's *amicus*, appearing in visions and speaking with his devotee as friend does to friend. This was, of course, a relationship of unequals; nonetheless it was one that granted Ailsa a certain latitude to scold

Stephen when he failed to heal an eye infection, provoking an unfavourable comparison between the saint and the count of Mortain, who he said was more solicitous of his men's interests. Stephen reacted mildly, as if the accepted bounds of bargaining with the holy had been broken by the reproach but not seriously so (Sharpe and Easting 2013: 186–97). Aisi's words, as ventriloquized by Peter of Cornwall, reveal how saints could be venerated on one hand and cajoled on the other, for though they were raised up to heaven the saints were still clothed in their essential humanity and so could be subjected to forms of pressure deployed routinely in the sublunary world. Evidence of this is scattered through *vitae* and *miracula*. Even routine practices at shrines had something of this quality about them, since prayers mingled with conditional promises and gifts – of candles, wax, pennies – were offered up in hope of counter-gift, elements in a sacred economy underpinned by transactional ethics.

The desire to apply pressure to the saint found liturgical expression too, in the form of ritualized humiliation. This practice (understood in theologically more correct terms) saw the saint join the religious community of which he was part, his relics being laid down on the ground among the prostrated living members, so imploring God to help them in their necessity. But the rite could also be understood differently, as shaming the saint into action and into discharging his patronal duty to help his people (Geary 1994: 95–115). Seemingly sensitive to the possibilities for misconstrual, ritual humiliation was banned at the Second Council of Lyons in 1274, and the practice duly appears to have faded away. And yet if the ritual was forbidden, the broad habits of thought that underpinned it were more resilient precisely because the ways in which people thought about interaction with the saints continued to be patterned, in part, on ordinary social intercourse, in which not only loving friendship but also frustration and anger claimed places. Those habits of thought were in turn encouraged by the ways in which the saints were folded into everyday life, absorbed into the practicalities of enriching the fields, banishing disease from livestock, finding lost objects, bringing rains during droughts and so forth. The saints were everywhere present and thus readily caught up in routine interchange. In the commonplace book of the Norfolk church-reeve Robert Reynes, dating from the second half of the fifteenth century, the cosmic and quotidian were interleaved in a fashion suggestive of this (Cameron 1980). Prayers, spells and charms, a number invoking the saints, mingled with historical fragments, exemplar legal formulae, family notices and even a receipt for ink and glue, hinting at the easy way its compositor might have moved between matters that later generations would divide more tidily into the sacred and the profane. The saints are thus visible in the microcosm of the Reynes book, figures of immense power who were to be loved and venerated, and who were also, paradoxically, available to be begged, badgered and conjured into helping out in moments of pain and crisis, and in petty domestic dramas and business affairs too.

Ease of forging relationships with the saints facilitated their enfolding into everyday life. While saints could be, and were, invoked at a distance from their earthly remains, proximity to the saints – alive in relics, at hand in places sanctified by their one-time presence – continued to matter when searching out help and in expressions of devotion, a conviction from which, of course, arose the ubiquitous practice of pilgrimage to shrines. And yet the question of which saints one might want to draw close to, and how one might go about building a relationship with those saints, changed shape during the later Middle Ages. The period witnessed the consolidation

of devotions to universal saints, to the apostles, the martyrs, and especially the Virgin Mary, and above all to Mary. This devotional trend was not a simple one. Such 'universal' saints had long commanded a place in the life of the localities and cults that were of local or regional significance were not erased as heightened attachment to universal ones developed. In the later fifteenth century, the affiliations of Robert Reynes lay to saints possessed of varied imaginative reaches. There was a good deal of Marian material in his book, with many leaves turned over to the Virgin's mother, St Anne, in the form of a lengthy life, and there were jottings about Rome and Walsingham and about the waymarks from Acle to Canterbury. Robert's attachments were also, simultaneously, more local too, embracing at least one important regional saint, Edmund, in whose service he can be found as alderman of the St Edmund's guild and as reeve in the church of Acle, which had the saint as its patron. More generally, we can see that as 'universal' cults spread, they were also appropriated and rooted in particular places, wherein the cult might be inflected by local needs. The sense of particularity is most immediately evident in the Marian shrines that multiplied in the later Middle Ages. Here a strong sense of the distinctiveness of different sites prevailed. John of Coutances (d. 1198) knew, for example, that Our Lady of Coutances was not to be muddled up with Our Lady of Bayeux (Ward 1982: 145), and local loyalties and proprietary interests shaped a sense that Mary was more powerfully 'present' in some places than others. That assumption underpinned the informal hierarchy of Marian sites discernible in fifteenth-century East Anglia, where the Mary of Walsingham trumped her lesser manifestations at villages such as Woolpit.

If there were shifts in subjects of devotion, there were also changes in its forms. Of course relics, especially bodily ones, were potent and well-established means by which a saint might be inserted into a local setting. The comfortableness of the Church, from an early date, with the fragmentation of saints' bodies facilitated holy diasporas and made it possible for the bodily remains of a figure of enormous power to be smashed into atoms, such that each preserved the saint's power and personhood undiminished. Beyond the profusion of relics, the proliferation of images and statues in the later Middle Ages enabled a further, distinctive and important elaboration of universal devotions in local contexts too. The growing resources disposed by many laymen and -women in the parishes lay behind this, permitting a peopling of churches with simulacra. The possibilities for intimate interactions with the holy were thus expanded dramatically, and the vivid manifestation of the most powerful saints in churches, however small and remote, became a possibility. Indeed, such possibilities extended beyond the church space into domestic settings too, by way of stand-alone images, book illuminations (especially those of books of hours), and even humbler artefacts such as pilgrim badges.

This profusion of statues and images at a local level wrought important changes in religious culture because it made the holy accessible. It seems less likely, however, that it led to a fundamental restructuring of the kinds of relationships in existence between devotee and saint, for example by substituting a new concern with gazing on an image for established preoccupations with touch, born of a desire for contact with relics. Concern with materiality – and with tactility – continued to characterize engagement with the holy dead even as images proliferated. Pilgrims still sought out relics and interacted with them in ways familiar since the earliest days of the cult of

saints. Moreover, the Mass, the heart of late medieval devotion, may have played an important role in structuring responses to images, suggesting ways in which seeing was related to touching. The eucharistic wafers were things that people might wish to touch and hold (and, of course, ingest), but they were things on which, usually, only their gaze fell, when held aloft by the priest. Here gazing was a substitute for touching, and it could also be understood more generally as being related to it. Medieval visual theories construed seeing as analogous to touching, since rays were understood either as emitted by the eye and then reflected back to it by the object, or else, more straightforwardly, they were thought to be emitted by the object itself, leaving a sensible impression upon the eye. It is also the case that some images became relics, or were treated as if they were relics, becoming objects of cult in their own right because they were thought to be working wonders. These added a further tier of shrines in the landscape, often not easily recoverable from the record, but sometimes detectable in wills, where testators provided for vicarious pilgrimages and identified among the known shrines others that were obscure (Marks 2004: 186–7). It is striking too that some of the stories long told about holy bones came to be told about wonder-working images. They might, for example, be so closely tied to a particular place that they resisted attempts to relocate them, returning to the original venue if shifted by human hand (Christian 1981: 16–21). Moreover, in a world filling with statues and paintings desire for burial *ad sanctos* morphed into requests for burial near the image of a saint, achieved, perhaps, by commissioning one for a funerary monument (Marks 2004: 174), or, more commonly, by seeking interment near an existing image, as the Blackburns of York did, hoping to be laid to rest in the south aisle of the Minster near to a depiction of Mary.

Although images could be treated as if they were relics, the reception of the generality of holy images probably did not depend on such an equation. Rather, images and relics were both understood as different kinds of manifestation, or materialization, of the still-living saint, present in heaven and present on earth. Statues and images were, whether or not productive of wonders, never inert. As Caroline Bynum has suggested, medieval understandings of images and statues relied less on mimesis – on the idea of a representation that pointed back to the holy person portrayed – than the conviction that the thing was ‘of’ the holy person, and thus invested with living power, rather as the relics in a shrine were invested with power (Bynum 2011: 37–123). Holy statues and images did not merely represent but actively materialized *virtus*. The means of that materialization might be elementary: art suggested life. It capitalized on the idea that the saints were alive and near at hand, even as they were present at the court of heaven, and simulacra lent them lively flesh and blood form that inspired the intimacy which devotees craved (Lipton 2009: 259). The encounter with the artefact was, as Richard Marks has noted, a matter of seeing and also of being seen, an engagement not between percipient and an inanimate thing, but rather between the devotee and the saint alive in the image (Marks 2004: 21). Painted saints revealed their alive-ness in the things that some of them were thought to have done. They were prone to smiling and bleeding, and in the case of Mary, lactating. This ‘alive-ness’ was also suggested by the habitual ways in which the images and statues were treated. They were not only touched and kissed, where they were in reach, they were the beneficiaries of testamentary gifts, and not simply of

wax or money to keep lights burning on their altars, but also of garments such as kerchiefs and girdles, and also other material possessions such as wedding rings and rosary beads (Duffy 2001: 75–6; Webb 2000: 197; Kameron 2002: 102). Things of high value – because they were of intensely personal value – were gifted to form and strengthen close friendships with dead men and women of enormous power.

Such close identifications troubled the minds of some orthodox churchmen and they stirred up the blood of Lollards and Protestants. The life attributed by many to image and statue can thus be traced in the criticism of devotions, as well as in the particular tenor and pitch of genuflecting, kissing, candle-lighting, almsgiving that suggested that the devotee thought they were interacting with the very saint, rather than reaching out to him or her by way of a representation. The anxiety was not new in the fourteenth and fifteenth centuries. In the eleventh century, Bernard of Angers had suggested that a reliquary-statue of St Gerald of Aurillac was so life-like that it appeared alive, serving as a stimulus to idolatry (though he was reconciled to the art form on later seeing a similar figure of St Foy, which moved him to pen a defence of religious statuary) (Sheingorn 1995: 77–9).

The proliferation of images gave the old criticism new significance. Richard Fitz-Ralph, bishop of Armagh, condemned pilgrims at Lincoln in 1356 for treating images as if they were the very saint (Owst 1961: 140–1). In the late fourteenth, fifteenth and sixteenth centuries Lollards and Protestants offered more biting critiques of such responses that sometimes had a cartoonish quality (though like cartoons they distorted a recognizable reality in order to get traction). Images worked up in bright colours seemed – so they said – ‘in the fool’s eyes as a lively creature’ (Marks 2004: 21), and the Twelve Conclusions of the Lollards, nailed to the doors of Westminster Abbey and St Paul’s Cathedral in 1395, sought to rob images and statues of their animate qualities by mocking pilgrimages, prayers and alms offered ‘to blind roads and to deaf images of tree and stone’ (Webb 2000: 242). Protestant iconoclasts often struck at the wrong assumptions that they believed to be at work behind orthodox responses to images, beheading statues, as if to kill them, or, where pious vandalism was minimalist, scoring out the eyes of paintings of saints, as if to emphasize that the saints could not ‘see’ their devotees. The Church manoeuvred in the face of such attacks so as to defend the use of images – keenly separating the painted sign from the saint it signified, emphasizing the incapacity of wood and stone to absorb veneration, such that it travelled ineluctably onwards to the holy person beyond the painted figure. And yet churchmen continued in many a sermon and *exemplum*, to propagate stories about images that invested them much more immediately with life and hence with power to bring help to devotees who knelt before them (Kameron 2002: 54–5). Thus, even at the end of the medieval period, as the firestorm of Protestant criticism grew around salient features of Catholic devotion, the saint’s image retained for many – both teachers and taught – its essential status as a vital locus of power.

Saints and their cults were casualties in those parts of Europe in which the Reformation took hold, as reformers mounted their assault on the panoply of lights, prayers and pilgrimages, tearing down the images and breaking up shrines. Some hotter Protestants re-purposed the very language of sanctity, designating all of the elect ‘saints’ as they conceived a less hierarchical kind of heaven and dismantled the rationale for intercession by the very special dead. This break with the medieval



Figure 22.1 Reliquary statue of St Foy.

past was, however, not clean, and its ragged edges were a function of more than Catholic recusancy and Counter-Reformation championing of cult. It was a consequence, too, of Protestant attachment to a new generation of martyrs minted in the fires of Catholic persecutions, and of the attention paid by some to the remains that these new martyrs had left behind (Walsham 2010). Although seldom endowed with the kind of thaumaturgic properties that characterized traditional relics, these were

often invested, nonetheless, with tremendous emotional potencies, having value as tokens of reformed lives and heroic deaths that might serve as patterns and examples in a new age of persecution.

The Reformation, then, presents something of a paradox. Even in the midst of so great a cultural and intellectual rupture, there were elements of continuity. And looking back on the cults of saints and martyrs over the long span of the Middle Ages, this point – about underlying continuity – is perhaps one to fix on. For although what stands out on first inspection might be the changing fortunes of big, flashy and comparatively well-documented shrines, and sudden effusions of miracles, often carefully written up by a religious community bent on securing their subject's canonization, what probably mattered most – in the sense that it had more profound implications for the daily lives of ordinary men and women – were new articulations or orchestrations of traditional relationships with long-established saints. Images and statues set up in abundance in the parishes capitalized on deep and ancient patterns of thought and practice formed by the conviction that saints abided in dry bones, fragments of wondrously preserved flesh and relics forged by contact with the saint's body, whether alive or dead. Art made that extraordinary power present not through bits and bones but through images that could be almost infinitely multiplied. In so doing it met, in a new and powerful way, the urgent desire for the saint to be 'present' in a culture that asserted the ubiquity of the holy but still, in practice, privileged its localization. Thus that need met by the fragmentation of relics was further satisfied by the multiplication of images and statues. These made immensely powerful saints – martyrs, the virgin martyrs, others whose mortified lives made then as good as martyrs, and perhaps above all, Mary, incomparably the greatest of the saints – more easily accessible in local churches and even in domestic environments, collapsing distance between cosmic figure and humble petitioner and opening up new opportunities for intimacy. This spread of devotions to universal saints on such terms did not entail any enhanced control of cult by the ecclesiastical hierarchy. Quite the reverse: the manner of devotions could be bespoke, and the forms of encounters between devotee and saints and their images could be other than the Church wished it to be. Indeed, above and beyond questions of 'universal' and 'local' patterns of devotion, there emerges from traces such encounters have left behind a sense of the intense personalization of devotions, as men and women found new ways of forging ties with holy friends whose power promised help in the face of lifetime mischances and beyond life, in the reckoning that would come at judgment. It was there, in those holy friendships, that the Reformation would, ultimately, have some of its most profound effects, and where it would give rise to a break that was sharp. For, although holy friendships could survive for a time after the reform had taken hold, living on outside the churches that had traditionally nourished them, perhaps in un-vocalized prayer in public places and more certainly in private, domestic space, as the generations turned, the preaching and catechesis that explained and propagated the cult was forgotten. The memories of images and shrines and the meanings attached to them faded away. And though saint and martyr claimed a place in the post-Reformation period, they did so primarily as *exempla*, and that sense of the very special dead as powerful helpers, so long the heart of cult, was finally lost.

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CHAPTER TWENTY-THREE

THE CORPSE IN THE MIDDLE AGES

The problem of the division of the body



Agostino Paravicini Bagliani

BODY-PARTS

On 19 October 1216, John 'Lackland' king of England died at Newark near Nottingham. His body was dismembered by his confessor, the abbot of Crokestone, who had the king's entrails packed in salt and conveyed to his monastery. The body itself was clothed and buried with honour in Worcester Cathedral. One of John's predecessors, Henry I, had wished to be buried at Reading Abbey. He died at Rouen, and there his brain, his eyes and his entrails were interred. The body was cut into pieces, covered in salt and wrapped up in a leather bag. Despite these precautions, by the time the royal convoy reached Caen, the liquid seeping out of the body caused the men who were travelling with it to faint. Matthew Paris in his Chronicle tells the story:

Now the king's body remained near Rouen for a long time unburied where his brain, eyes and entrails were interred. The rest of his body had had incisions made in it with small knives and had been packed in salt, because of the stench which was great and impregnated the atmosphere around it. The body was wrapped up in ox-hides. The doctor, hired for a large fee, had been so fearful for the preserving of the head that he had caused the brain to be extracted, but it was already rotting from the excessive stench, even though it had been wrapped in many linen cloths. The doctor died because of the foul odour. He had mistakenly been delighted by the promises made him about the size of his fee. This man was the last of the many victims of King Henry. From Rouen, the king's body was taken to Caen where his father had been buried. His body was set down in the church in front of his father's tomb, when a black and horrible liquid began to seep through the ox-hides. Collected in pots placed beneath the bier. . . , this liquid aroused great horror in those who saw the sight. Finally the king's body was brought to England

about Christmastime, to . . . the noble church which he himself had founded. He was interred as a king, in the presence of archbishops, bishops and the great men of the realm.

(Matthew Paris, *Chronica* ad an. 1135: 161–2. Cf. Henry of Huntingdon, *Historia Anglorum* VIII, 2 (ed. Greenway, 256ff.); *Annales Wintonienses*, *Continuatio S. Augustini Cantuariensis*: 7)

In medieval Europe in the thirteenth century too, the dismemberment of a corpse was an essential procedure in cases where the bodily remains of the dead person had to be transported, as soon as possible after the demise, to a burial-place some distance from the site of death. To loosen the bones from the flesh and to make transport easier, the body was cut up into bits which were then boiled in water until they became completely disarticulated. Another, simpler, procedure was to open up the body and remove the entrails, which were the bits most likely to putrefy, and then bury those on the spot or nearby. They could, alternatively, be transported in a container of lead or some other metal, or in a stone urn, or a primary sarcophagus. The body itself was stuffed with aromatic substances, wrapped in hides, often of deerskin, which were then carefully sewn up (Duparc 1980–1: 360–72; Cartron-Vivas 2010; Corbineau-Georges-Zimmermann 2015; Schmitz-Esser 2014).

These procedures were already old: in fact they had been documented since the ninth century. The entrails of the deceased Emperor Charles the Bald (d. 877) were removed and the rest of his corpse was treated with wine and spices so that it could be carried to St-Denis where he had wished to be buried. The royal remains had to be interred at Nantua, however, on account of the frightful stench. Seven years afterwards, Charles appeared to a monk of St-Denis and a cleric of St-Quentin-en-Vermandois to inform them that Saint Denis was unhappy to know that Charles's body had not been interred in the place which he had honoured throughout his life. It was then that the monks set off to find the body (or rather what was left of it) so that it could be re-buried at the abbey.

The corpse of the emperor Otto I (d. 973) was also eviscerated, and his entrails buried at Memleben, while his body was interred at Magdeburg. Until the twelfth century, nearly all emperors' corpses underwent similar treatment. In 1167, when an epidemic decimated Frederick Barbarossa's army in Italy, the bodies of most of the dead knights and prelates were boiled, and their bones were sent to Germany. When Barbarossa himself died on crusade in 1190, his body was eviscerated and boiled. His bones were carried not to Germany but to Tyre where the emperor had planned to go on pilgrimage.

The sequence is clear: from the ninth century until the thirteenth, nearly all known cases of the division of corpses into parts concerned famous people – kings, emperors, prelates, members of the high nobility – who lived north of the Alps, especially in the empire. Medieval people themselves understood the situation in those terms. For Buoncompagno of Signa, the Italian master of rhetoric, the dismemberment of the corpse was a custom:

The Romans of olden days used to empty corpses of their entrails. They took out all the intestines. The rest of the body was softened in salt water. Thus bodies could be preserved for a very long time, as you can still see today in ancient palaces and, near Naples, in certain caves. The Germans (*Teutonici*), by contrast,

extracted the entrails from the corpses of men of high status who had died in foreign lands. They boiled the rest of the body for a long time in cauldrons until all the flesh, the nerves and sinews were separated from the bones, and after that, the bones were preserved in aromatic wine, and covered in spices, and taken back to their fatherland.

(Buoncompagno da Signa, cited in Paravicini Bagliani 1991: 273)

According to Saba Malaspina, the evisceration of the corpse of Isabelle, wife of King Philip III of France, who died at Cosenza on 28 January 1271, was carried out 'according to the ancient French tradition'. A geography of attitudes to dismemberment thus seems to have existed in Europe between the ninth century and the thirteenth, and historians are beginning to be aware of this fact (Park 1994).

Such obviously crude and violent procedures nevertheless remind us of certain anthropological assumptions in those medieval centuries which did not entirely square with a Christian view of death that involved respect for mortal remains. Practices like those of dividing up bodies turned the corpse into something semi-animate and magical – as if the spirit would be separated from the body only after its final burial. The division of the body actually implies a kind of refusal to accept the corpse's putrefaction. To try to separate the flesh from the bones as soon as possible after death, or to eviscerate bodies and preserve only the non-putrescent parts, amounted to saying that it was the bones in particular that represented the dead person's identity. That is why in so many medieval wills the corpse is defined as *corpus sive ossa*: 'the body or the bones'.

MULTIPLE AND SELF-CHOSEN DIVISION OF THE BODY

The division of the body was not made for the sole purpose of separating the flesh from the bones to facilitate transport. The Emperor Henry III (d. 1056) did something new. He wanted his entrails to be interred at Goslar where his daughter Mathilda had been buried and where he used to say that his heart lay. When he died at Bodfeld, his body was carried to Speyer to be buried there beside his father. The division of the body in this case was something deliberate and freely chosen in advance. Henry III himself ordered the evisceration and a three-fold division of his corpse into entrails, heart and body.

With the exception of a few interesting episodes recorded in saints' *Lives* (Robert of Arbrissel was buried in 1117 at Fontevrault, but his heart was buried at Orsan where he died), Henry III's triple burial remained for a long time an isolated case. It is only towards the end of the twelfth century that examples of the practice begin to multiply, especially in England. Richard the Lionheart wanted his heart to be buried at Rouen (where the most corruptible parts of the body of his great-grandfather Henry I of England had been interred), his brain, blood and entrails at Charroux (a favoured monastery in northern Poitou), and his body at Fontevrault (where his father lay, and where his mother and sister Joan would also lie in their turn). Nearly all the members of the English royal family in the second half of the thirteenth century left similar instructions as to the final resting-place of their heart. Richard of Cornwall, brother of King Henry III, buried the heart of his son Henry (d. 1271) near the tomb of Edward the Confessor at Westminster. Edward I (d. 1307), himself

a former crusader, ordered that his heart should be carried to the Holy Land by 140 knights. Perhaps inspired by English models, Blanche of Castile (d. 1253), mother of St Louis, left instructions that her heart should be buried separately from her body. Three and a half months after her death, the abbess of Lys near Melun succeeded in obtaining the queen's heart, thereby carrying out her last wishes.

St Louis does not seem to have left orders about the separate burial of his heart. But when he died at Tunis in 1270, his body was taken, intact, to Sicily, where the flesh was separated from the bones by being boiled in water. The heart and the entrails were given to the king of Sicily, the dead man's brother, and buried at the abbey of Monreale near Palermo:

The king's personal attendants, all the officials and all those whose office it was, took the king's body. They dismembered it, and had it boiled in water and wine until the bones became white and the flesh became detached and it was possible to remove it without difficulty. The entrails were removed in Sicily and taken to the Benedictine abbey of Monreale, four leagues from Palermo, to be interred there. The monks . . . received the heart and the rest of this king's entrails devotedly, as if it were a precious gift. The officials and palace servants washed the bones of the king's body with great care, and wrapped them in silken cloths with sweet-smelling spices, and placed them safely in a coffin which was to be laid in his tomb in the church of St Denis, with his ancestors and the other kings of France, when they were able to bury it there.

(*Chronique de Primat*: 58G)

We have already seen that self-chosen division of the body is first documented in the Empire. At the close of the twelfth century and especially in the thirteenth,



Figure 23.1 While toads feast on his eyes and face, worms burrow into the upper part of the corpse of François I de la Sarra (d. 1360). Stone effigy (detail) c.1400, Chapel of La Sarraz, Vaud (Switzerland). Photo: Martine Gaillard.

the fashion spread to England and France, then to Brabant and Castille. Evidence for Italy, however, remains extremely rare, indeed non-existent. In regard to the body and how to treat it, medieval Europe thus offers some unsuspectedly divergent attitudes.

Of course there is a great difference between dividing the body only for ease of transport, and self-chosen multiple division of the body. The latter represents the wishes of an individual who uses his or her body – for the last time – to express feelings and affections and to make plural choices. How better to express love of a dead daughter than to have one's heart buried beside her tomb? Is not the multiple and self-chosen division of the body one of the high points of what historians nowadays often call 'the discovery of the individual'? The voluntary division of the corpse implied, moreover, an extraordinary valorisation of the person's body. Certain, highly symbolic, parts of the body were assigned the task of prolonging the history of a person's identity and memory beyond death.

We can say by way of generalisation that self-chosen dismemberment of the body became an increasingly sophisticated affair. Two cases will illustrate this. On 6 December 1268, Pietro de Vico, *podestà* of Viterbo, made his will. 'Impelled by fear of God and by divine inspiration', he ordered that his body should be cut up into seven parts as a sign of his aversion to the seven deadly sins to which he acknowledged he had often succumbed:

Terrified by heaven-sent fear and struck by divine inspiration, he humbly chose the church below-mentioned as his place of burial, asking that his body be divided into seven parts, as a sign of his detestation of the seven deadly vices of which he acknowledged he was guilty on many occasions, according to the manner and form indicated in his will and his last wishes.

(Calisse 1887: 454, n. LVIII)

When the places of death and burial coincided, there was no need for dismemberment. Peter of Vico wished his body to be mutilated to purify it of its sins. Self-mutilation, a visible sign of humility and contrition, here became the instrument of salvation. But what an extraordinary wish to dispose of one's body so completely!

An administrator of church lands (*vidame*) of Anniviers (modern Swiss Valais), dictated his last wishes on 4 November 1284. After stipulating that his daughter inherit his goods, this knight gave orders that if he were to die in the ecclesiastical province of Tarentaise (to which the diocese of Sion belonged in the Middle Ages), or in the town or diocese of Lausanne, his flesh was to be separated from his bones and buried in the church of Ste-Euphémie at Anniviers. The bones thus liberated from the flesh were to be buried, half with the Cistercians of Hauterive (modern canton Fribourg, Switzerland), half with the Cistercians of Maigrange (in the town of Fribourg). Such instructions required the boiling and dismemberment of the corpse. His fear that the separation of the bones from the flesh 'might not be sufficient' was real enough, but did not lead the testator to avoid the mutilation of his own body. On the contrary, this was just what he desired, in order to guarantee a doubling of his burial and hence even a multiplication of intercessions and prayers: these he entrusted, we may note in passing, not to the friars but to the Cistercians, in a perfect symmetry of male and female houses.

OPPOSITION AND PROHIBITION

Until the thirteenth century, evisceration and dismemberment, unusual though they were, seemed quite clearly permissible. No criticism is known to have been raised against such practices. On the level of theology, the division of the corpse posed no problem. Had not Augustine said that God's omnipotence would guarantee the reunification of all parts of the body at the Resurrection, even in cases when the body had been wholly or partly dismembered? And had not the cult of relics familiarised the West with the fragmentation of bodies (Bande 2003; Gaude-Ferragu 2003)?

Yet, from the mid-thirteenth century onwards, with the practice quite widespread, the division of the body provoked discussion, polemic, and resistance/opposition.¹ According to Henry of Ghent, Bishop Robert Grosseteste of Lincoln (d. 1253), chancellor of Oxford University, 'clearly and expressly forbade any such dismemberment to be performed on his body' (Wirth 1999). In many wills, there is a clear wish to avert any dismemberment of the testator's bodily remains. While some thirteenth-century cardinals, all of them French, ordered, apparently without hesitation, that their bodies were to be dismembered should they happen to die in a place far distant from that envisaged for their burials, in striking contrast, all the Italian cardinals who considered this eventually in their wills, wanted to avoid having their bodies undergo the risk of any dismemberment. Cardinal John Boccamazza (d. 1309), scion of a distinguished Roman family, even renounced burial at St Peter's if he were to die further away from the Eternal City than the distance between it and Perugia. These Italian cardinals opted for the survival intact – at least temporarily – of their mortal remains and envisaged two interments: the first at the place of death or at one or two days' distance from it, the second, after the natural process of decomposition had been completed (Paravicini Bagliani 1980).

In 1289, university circles in Paris were agitated by serious debates over the division of the corpse. The argument was provoked by Philip the Fair's decision to change the instructions left by his father, Philip III, who had died at Perpignan on 6 October 1285. In order that Philip senior's body might be carried to St Denis where he had chosen to be buried, his body was eviscerated, then boiled so as to detach the bones. The flesh and the entrails, which Philip III had wished should be interred in the Dominican church at Narbonne, ended up in the cathedral of that city. As compensation, Philip the Fair promised his confessor, the Dominican Nicholas de Gorran, that the Dominican church in Paris would receive his father's heart.

But had the king the right to alter the testamentary dispositions of his father? The masters of the Faculty of Theology who took part in the discussion, Henry of Ghent, Godfrey of Fontaines and Gervase of Mont-St-Éloi, had reservations about Philip the Fair's decision, but still did not condemn the principle of dividing the body. Even evisceration of a corpse for ease of transport alone was, they considered, legitimate. A few years later, in 1291, Olivier Tréguier, a Dominican theologian, revived the debate, no doubt with the aim of preserving the Dominicans' right to receive burials which had once been one of the key factors in their success. In favour of dismemberment and boiling of bodies Tréguier produced all the arguments about these practices not being prejudicial to the doctrine of the Resurrection, since divine power could instantly reassemble all the dismembered bodies. Godfrey of Fontaines, who re-entered the debate at this point, argued, on the contrary, that the integrity of the

body must outweigh any other desire (such as wanting to be buried near the graves of close kin). Only the bodies of saints could be divided ‘for the common good’.

Godfrey had a deep aversion to any dismemberment of the corpse, and the language he used to describe the horror he thought it appropriate to feel is almost identical to that to be found in the decretal *Detestande feritatis*, promulgated by Boniface VIII for the first time on 27 September 1299, to forbid the boiling and dismemberment of bodies for ease of transport:

There has come to be practised an abominable act of cruelty on the part of certain Christian people, following an atrocious custom. Justly, then, do we command that this be abolished, we who are guided by the pious aim of ensuring that this cruel practice should no longer cause human bodies to be dismembered, and should never more strike the faithful with horror nor disturb their minds.

When one of their number, whether a noble or someone bearing high office, dies, as often happens, far from his own land, and that person has chosen his burial-place in his own land or somewhere far from the place of his death, Christians subject to this perverse custom, driven by a sacrilegious concern, savagely empty the body of its entrails and, horribly dismembering it or cutting it up into bits, throw it into [a cauldron of] water to boil it up over a fire. When the fleshly covering has thus been detached from the bones, they take the bones back to the chosen site for burial. This is something which is utterly abominable if we pay regard to the Divine Majesty, but which must cause almost more horror if we pay regard to the respect we owe to man.

It is therefore our will, as is the duty of our office, that a practice so cruel, so abominable, so sacrilegious, should be completely abolished and should gain no further adherents. We decree and command by our apostolic authority that, at each person’s death, whatever his birth or high office may be, in whatever place the death occurs wherever Catholic religion prevails, no-one should henceforth think of applying that practice to the body of the dead, or any other practice resembling it, and that the hand of the faithful should cease to befoul itself so monstrously.

So that the bodies of the dead should no longer be treated so cruelly, they must therefore be taken to the place which, in their lifetimes, they had chosen for their burial. If that is not possible, let them be given Christian burial at the place of their death, or near it, and let there be a period of waiting until their bodies have crumbled to dust, [so that then] they can then be carried to the place they chose for burial.

If the testamentary executors of a dead person, or those close to him or her, or anyone else whosoever, whatever their rank or birth, even if they be vested with the episcopal dignity, should dare to infringe this our edict by treating inhumanely and cruelly the body of a dead person, or causing it to be so treated, let them know that they will be struck by excommunication by the very fact of their deed – excommunication which we issue from now onwards, and from which they shall obtain no absolution, except from the Apostolic See alone, or on their deathbed. Likewise, the person whose body has been so treated in a manner so inhuman, let him be deprived of ecclesiastical burial.

(*Corpus iuris canonici* II, cols. 1271–3; *Registres de Boniface VIII*, no. 3209; cf. Paravicini 1991: 269–70; Paravicini 2003 *passim*)

It was clearly the Paris debate which inspired the papal decision. In 1290, Benedict Gaetani, the future Boniface VIII, had stayed in Paris in his capacity as papal legate (Paravicini Bagliani 1988). Further, the papal decision of 1299 was made four days after the French cardinal Nicholas de Nonancour made his will almost certainly giving instructions for the evisceration of his corpse (Paravicini Bagliani 1980). The decretal offers not a shred of justification, theological or legal. Written in a positively impassioned tone, it reveals a profound and strongly personal aversion to the dismemberment of the body. Keenly sensitive to this problem, Boniface VIII issued the same bull a second time on 18 February 1300. Now that was just four days before the publication of indulgences for the Jubilee of that year. Was it the huge influx of pilgrims to Rome that led the pope to issue such a solemn renewal of his prohibition of the dismemberment of the bodies of the dead?

DIVISION AND ANATOMY

In an intriguing way, Boniface's decision coincided with the medieval renaissance of the study of anatomy. To be sure, William of Malmesbury, according to King Sigurd Jorsalfar of Norway (1090–1130), had given orders for the cutting open of the livers of certain members of his entourage who had died in Constantinople on the return journey from Jerusalem where they had gone on pilgrimage. Perhaps the northern ruler drew his inspiration from Byzantium where anatomy had not undergone the same eclipse that it had in the early medieval West. The first certain case, however, of the opening of a human body so that its innards could be inspected is the one recounted by the Franciscan chronicler Salimbene. In 1286, 'there was a great mortality of human beings and hens in Cremona, Piacenza, Parma, Reggio and other Italian towns and dioceses. At Cremona, one woman lost 48 hens in a very short time. A certain doctor cut open some of the hens and found . . . a bump like a blister on the top of the heart of each one. He then cut open the body of a dead man and found exactly the same thing.' Salimbene also tells a story about the Emperor Frederick II (d. 1250) ordering the stomachs of two huntsmen to be cut open and the contents inspected to see which of the two had digested his food better.²

A few years after the first medico-legal autopsies, in the early fourteenth century, anatomical dissection was being taught at Bologna. In 1316, Mondino de' Luzzi's *Treatise on Anatomy* offers the oldest account of a 'university' dissection. Dissections had been taking place once or twice a year. The bodies of condemned criminals, male and female, were chosen, and the *podestà* sent these to the Faculty of Medicine. The bodies were exposed for four days (Jacquart 2014; McVaugh 2007). Outside Italy, though, there was no parallel rapid development in anatomical studies: quite the opposite. With the exception of the University of Montpellier, the only known cases of autopsies, apart from those in Italy, were very rare indeed: one case each for Germany, England and France. Not until 1477–8 did the Faculty of Medicine at the University of Paris practise anatomy (Jacquart 1998). How do we reconcile the fact that Italy, where the practice of dismembering corpses for ease of transport was effectively unknown, was the one country to produce a rebirth of anatomical studies that depended on dissection? Perhaps the contradiction is more apparent than real. Corpses were dismembered in order to separate the flesh from the bones. Respect for the integrity of the body after death and acceptance of the corpse's natural dissolution meant admitting

that the body was subject to the laws of nature. Lacking magical functions, the corpse could be opened up for forensic reasons, and also for scholarly ones – once the necessary cultural environment was established. And it was, precisely, in the central Italian cities during the thirteenth century that such conditions came into existence.

Medico-legal requirements exerted decisive influence here. Already at the beginning of the thirteenth century, in 1209, Pope Innocent III had demanded the examination (not an autopsy in the strict sense) by medical experts of the corpse of a homicide victim. In another case, the same pope ordered that the verdict of the surgeons and doctors who had examined (but not opened up) the corpse of a young victim should be publicly announced. These are significant episodes: they attest the



Figure 23.2 Effigy of Jean, Cardinal Lagrange (d. 1402). Regardless of the canonical prohibition, the cardinal had ordered his bones to be buried at Avignon and his boiled flesh sent to Amiens. Musée du Petit Palais, Avignon.

fundamental role played by canon law, quite apart from other legal requirements, in the development of the intellectual and legal technologies that would later give rise to medico-legal autopsies (O'Neill 1976).

DIVISION AND EMBALMMENT

The autopsies and self-chosen divisions of corpses we find so often spoken of in the thirteenth century have a further significance: they reflect a new cultural and mental desire to know about the body's internal workings. Around the year 1300, this desire to investigate the body was so strong that it affected the bodies of saints for which, until then, external marks, such as the odour of sanctity or the stigmata, had been considered sufficient.

Claire of Montefalco died on 17 August 1308 in the little Umbrian convent where she had been abbess. For five whole days, despite the intense summer heat, Claire's body remained completely incorrupt, bathed in a delightful odour of sanctity. The community then decided to embalm this precious relic. An apothecary from the town supplied 'balm and myrrh'. Four of the sisters cut open the body with their own hands, extracted the heart and placed it in a casket, then took out the entrails and burned them in the oratory. Next day, after Vespers, they took up the casket containing the heart. When they cut open the heart, they found a cross, that is, the image of Christ Risen. In the course of the following two days, they went on making incisions in the heart and found still more wondrous signs of sanctity, all of them made of flesh: the crown of thorns, the scourge and the pillar of Christ's flagellation, the rod and the sponge, and the four little nails.

A few years later, and again in Umbria, the heart of a Dominican tertiary, Margaret of Città di Castello (d. 1320) was extracted during the embalming process. In it were seen three stones on which were inscribed the images of the Holy Family. The opening of the body took place in the presence of 'a multitude of brethren' – as if they were conducting an anatomy class. Thus, in early fourteenth-century central Italy, the opening up of a woman's corpse – a holy woman's corpse – far from arousing misgivings, positively reflected a remarkable anatomical curiosity, comparable to that behind autopsies and dissections.

Finding the marks of sanctity in a body was a way of distinguishing it from the bodies of common mortals. Only a holy body could display the signs of the Passion. But the bodies of Claire and Margaret had been opened up in order to be embalmed. In fact, all embalmments were ways of registering social distinction. As Henri de Mondeville, the surgeon to Philip the Fair, put it in 1320: 'There are three procedures for preparing corpses. Some require a very simple preparation, virtually none, to preserve them from corruption: this is the case for the bodies of the poor and of some rich persons if burial can take place within three days in summer or four days in winter. A second group requires some preparation: persons of middling rank, such as knights and barons. Thirdly, there are kings and queens, popes and prelates: their bodies have to be preserved with the face uncovered.'

Kings, queens, popes and prelates represent the summit of the social hierarchy. Their corpses must be embalmed with the face uncovered, because their deaths have to be publicly authenticated, and because their bodies are objects of veneration and solemn funerals including a more or less extended period of lying in state.

Embalmmnt and lying in state are connected. Guy de Chauliac (d. 1368) wrote that embalmmnt should be a way of preserving the face from decay for eight days (Von Rudloff 1921: 37). Guy's pupil Pierre Argellata, who later became a distinguished professor of surgery at the University of Bologna (1397–1421), declared his satisfaction at having embalmed the body of Pope Alexander V and been able to preserve it for eight days (Paravicini Bagliani 1994: 195). Thinking, no doubt, of papal funerary rites that went on for nine days, Pierre added that he had left exposed the face, hands and feet, 'for people need to see the hands and feet as well as the face'. If every embalmmnt was a challenge to the body's decay, in the Middle Ages what mattered especially was the preservation of a body destined for public exposure, for the glory of the dead person, his or her family and the institution he or she had represented.

Boniface VIII's bull certainly put a brake on the custom of dismembering the corpse. Yet the practice survived long afterwards, particularly in England and France. The French kings, like other great ones of this world, whether prelates or nobles, continued to require multiple burials of their bodies and obtained the necessary dispensations from Boniface's successors. In 1350, Clement VI granted the French king John II and his wife such a dispensation, which was to hold good for all their successors as well.

The existence of a papal prohibition on the evisceration of corpses had an unexpected consequence. Although Boniface's bull had not been issued to prohibit anatomy, nearly all the great thirteenth- and fourteenth-century anatomists state that ecclesiastical authorisation is required for any dissection of a corpse. According to Henri de Mondeville, 'corpses must be preserved for more than four nights, and if you have a special privilege from the Roman Church, you can cut through the front wall of the stomach'. A few years later, the Italian surgeon Mondino de' Luzzi (c.1330) had made it his practice to leave aside 'the bones situated beneath the basiliary bone' because these could not 'be properly examined unless they had been boiled *which is a sin*'. Curiously, Guy de Chauliac, the greatest French surgeon of his age, makes no reference whatsoever to problems of this kind. On the contrary, he described in his *Chirurgia* how he had often performed dismemberments of corpses, the very sort of operation that Boniface VIII had condemned: 'We also undertake the anatomy of corpses that have been dried in the sun, or decayed in earth, or dissolved in running or boiling water . . .' (*La Grande Chirurgie de Guy de Chauliac*: 30; cf. Von Rudloff 1921: 34–7). Shortly after this, Guido de Vigevano (1370) recalled that 'the Church forbids the performing of anatomy on the human body':

Since the Church forbids the performing of anatomy on the human body, and since the art of medicine cannot know everything without having first learned anatomy, . . . I wish to demonstrate the anatomy of the human body by means of pictures correctly painted, representing the parts of the human body as they are: the illustrations will show it much better than I could do, since, when we perform anatomy on a person, we are in a hurry to complete it because of [the process of] decomposition. Hence, it is enough for doctors to represent the internal parts in an enlarged way, exactly as they lie before you.

(Wickersheimer 1926: 72)

Long before Boniface promulgated his bull, at the beginning of the thirteenth century, an anatomist of the school of Salerno, the doctor Nicholas, author of one of

the oldest treatises on medieval anatomy (the *Anatomia*), accounted for the decline of the subject since Galen by the fact that ‘the practice of anatomy has been transferred to the bodies of animals, because – especially on the part of Catholics – it was considered inhuman to treat the human body in that way’ (Redeker 1917: 30; Ricklin 2003).

PUTREFACTION AND REGENERATION

Fighting against the dismemberment of corpses was equivalent to defending the integrity of a body and a person in the perspective of immortality. Commenting on Boniface VIII’s decision, Cardinal Jean Lemoine explained that, for the Gaetani pope, ‘the human body, and the human face in consequence, was made in the likeness of God and cannot be befouled or disfigured’. In Boniface’s text, the body is constructed as a memorial to the very face of man, hence must be ‘protected as a temple and must not undergo any violence after death’. The pope’s concern for the body is expressed in his wish for the survival of its individuality in terms of its characteristic physiognomy. In other words, the body is viewed as enjoying a continuing existence in the world beyond, in a kind of ‘infinite continuity’.

Integrity and immortality are similarly at the heart of Roger Bacon’s theories on the prolongation of life. Although man had fallen into sin, he could live by nature for a thousand years and more, as had been proved by the existence of the long-lived patriarchs of the Old Testament. The corruption of man derived also from the fact that when man left the earthly Paradise, he no longer observed the rules of a healthy way of life. Certain remedies could put brakes on the ageing process. They were to be found in alchemy, perspective, and astronomy: sciences capable of restoring the human organism to a state of harmonious equilibrium. Thus man became able not only to prolong his life but to prepare his body for the life eternal, since ‘at the moment of the Resurrection the body can only obtain a state of incorruptibility and immortality through itself’. To rejuvenate and prolong life with the help of experimental science, and especially by the use of potable gold, was an essential precondition for approaching the final, perfect, ultimate state of the resuscitated body which was, in the last analysis, a rejuvenated body. For Bacon, alchemy, invoked to prepare a harmonious body, here on earth as well in the world beyond, became an instrument of salvation. Bacon’s ideas on the body constituted a true theology of the body, the most exalted ever worked out in the Middle Ages. All these ideas were developed by the Oxford Franciscan in his major works, written for Pope Clement IV (1265–68) (Paravicini Bagliani 1986; 1987; 2003; 2009).

In spite of their almost Taoist flavour (cf. Needham 1980), Bacon’s theories do not contradict the idea of a necessary putrefaction. Boniface VIII, in decreeing that the corpse must undergo its natural dissolution, was also insisting on the inevitability of putrefaction. In medieval alchemic thought, putrefaction was considered the necessary source of regeneration. In his *Margarita preciosa*, Pietro Bono of Ferrara, one of the greatest Italian alchemists of the early fourteenth century, established a remarkable relationship between the philosopher’s stone and the resurrection of the body: ‘The body will become transfigured (*glorificatum*), incorruptible, and subtle in an almost unbelievable way, and it will pass through any solid body. Its nature

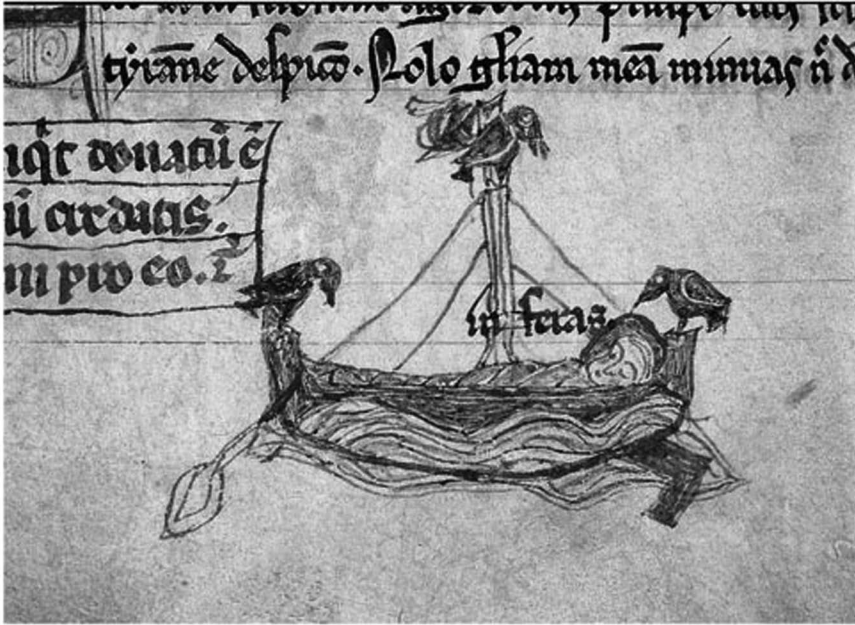


Figure 23.3 Crossing the bar. Breviário Matutinal of the Cistercian monastery of Alcobaça (thirteenth century). MS. Alc.66, fo. 23lv. Photo: Lisbon, Biblioteca Nacional.

will be as much spiritual as corporal. When the stone decomposes into the state of powder, just as the body does in its tomb, it will then have reinforced its substance, just as after the Resurrection a man becomes stronger and younger than he has ever been before.'

By implication, then, the body must die and decompose in order to be regenerated in glory. The alchemists termed this necessary death *negrido*, 'the black state of matter', or 'the old Adam'. This is why the processes of dissolution, calcification and separation were so often depicted symbolically by a human corpse in its black, that is, dead, state. After this putrefaction would come 'the white state', whence would emerge the final product of the alchemic process, the philosopher's stone or *lapis*. *Lapis* was often symbolised by the image of the Risen Christ. According to Nicholas Flamel (1418), the Resurrection was intimately linked to corruption: 'When the body of man presents itself at the Judgement of God, it will have the colour of putrefaction, so as to be judged and purified of all its *negrido*. Then it will become white, when it has been made spirit. The body must therefore rot before it can become immortal and incorruptible.'³

NOTES

- 1 For the sources discussed in what follows, see especially the fine article of Brown 1981, and also Bynum 1991.
- 2 The same story is to be found in the *Universal Chronicle* of the German poet Jansen Enikel, Frederick's contemporary. He already embellishes the tale with legendary additions.
- 3 Alchemy and anatomy seem less far apart than might have been thought. See the stimulating article of Lazzerini 1999, and also Carlino 1994.

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CHAPTER TWENTY-FOUR

THE CRUCIFIXION AND THE CENSORSHIP OF ART AROUND 1300



Paul Binski

For all its extraordinary diversity, the most common images in Western medieval art were of the Crucifixion and the Virgin Mary. As central representations of the Faith, around which many other concepts and images clustered in the course of the Middle Ages, both were the objects of regulation and control. Such regulations could be proactive: thus, by the thirteenth century, it was prescribed that all churches should have an image of the Virgin Mary on or near the high altar and that the celebrant at mass should have the image of Christ Crucified before him on the altar (Gardner 1994). Others – and here we introduce the subject of this chapter – were more reactive: cases where monastic or clerical authorities either openly attacked or even suppressed newfangled images.

This topic of control by the Church was once the subject of a famous (and, not coincidentally, wartime) article by Rudolph Berliner (1945) on ‘The Freedom of Medieval Art’: how free, how constrained, actually were medieval artists with respect to clerical authorities, patrons and a religion in which almost everything of importance was literally pre-scribed? (Berliner 1945; Gilbert 1985). Berliner’s point was that artists were freer to innovate than one might have assumed from certain liberal Protestant critiques of the Church’s attitude to art such as that by G. G. Coulton, a scholar who, incidentally, drew attention to and translated many of the more important texts cited in the debate (Coulton 1919; Gilbert 1985). This was, perhaps, one reason why canonical images of Christ’s incarnation and sacrifice had a history at all: artists, and with them other discursive thinkers about religion in the Middle Ages, were capable of innovation within the constraints of decorum or orthodox doctrine. As many commentators on religious art and the emotional ‘narrative’ of spirituality in the Middle Ages have stressed, the Crucifixion is a peculiarly sensitive barometer of aesthetic and conceptual change, that change which led, in the words of R. W. Southern, to the realisation of ‘the extreme limits of human suffering: the dying figure was stripped of its garments, the arms sagged with the weight of the body, the head hung on one side, the eyes were closed, the blood ran down the Cross’, the ‘natural corollary’ of which were changes also happening in the image of the Virgin and Child from the eleventh century onwards in the transition from the mind-set of the epic to that of the romance (Southern 1953: 226–7).

Decorum is more honoured in the breach, as they say, and changing the central symbols of a faith in the interests of greater impact, or indeed truth, is a risky business. Many of these changes may have begun in the East, in Byzantium. We know something of this from the reaction in 1054 of a papal legate and Frenchman, Cardinal Humbert of Silva Candida, to the 'image of a dying man' ('hominis morituri imago') on a Byzantine cross in Constantinople, which he perceived as being heretical (Thoby 1959–63; Belting 1990: 144, 254 n. 37). As will be seen, this association between a novel image and heresy would be resurrected by the thirteenth-century Spanish bishop, Lucas of Tuy. The particular concern of this chapter, however, is with an episode in English art. Images of Christ shown dead on the cross were also known in eleventh-century Anglo-Saxon art, though the motif was not used with consistency (O'Reilly 1987; Raw 1990: 92). By about 1300, English Gothic crucifixes generally showed the agonised dead or dying Christ, the *Christus patiens*, nailed to the cross with three nails (one only through the overlapping feet) (Figure 20.1) (Binski 2004: 209–30). But, notwithstanding the existence in England of a highly developed lyrical textual tradition stressing the agonies of the cross, English crucifixion imagery itself never reached the pitch of extremes of contemporary Italian and German representations of the scene. Some English crucifixion images are cleverly innovative, but the central icon of Christ on the Cross is generally undisturbed: thus each side of an embroidered English chasuble of c.1300 formerly at Melk in Austria, has a Crucifixion with Mary and John at its foot, yet placed in different attitudes of reaction to the cross which were evidently exchanged as the priest turned his body while celebrating mass (Christie 1938: pl. LXXXI). But gentle conceits of animation of this type were scarcely radical. However, in 1305–6 Ralph Baldock, bishop of London, found himself in the position of actually suppressing the image of a crucifixion because, in part, it had done its job too well. Coulton and Berliner were automatically drawn to this case even though its details throw as much light on the patron and art object as on the artist's role. As will become apparent, the cross in this case was unusual – indeed, it was probably unprecedented on English soil. But the fact of its suppression is only one aspect of its interest. The case of the Conyhope Cross, in itself an entirely local affair, allows us insight into a wider range of other issues: what could happen when an image created in one context was transferred to another, and what it was that made certain images unacceptable to clerical authority but attractive to others – and this notwithstanding the fact that our story has a surprisingly banal twist at the end.

But, first, let us consider the events.

The London Annals for the year 1305 relate the following:

In that year, on April 15th, a certain horrible Cross ['Crux horribilis'] was taken to the chapel of Conyhope, and on the following day called Good Friday was adored by many ['adorabatur a multis']; on account of which Geoffrey of Wycombe, the rector of that church, incurred considerable harm at the instigation of the canons of St Paul's [Cathedral]. On May 1st of that year, the aforesaid Cross was taken away by night to the canons of Holy Trinity [Aldgate].

(Stubbs 1882: 136; Heslop 1987: 26; Binski 2004: 201–5)



Figure 24.1 Crucifixion, Peterborough, c.1220. © The Society of Antiquaries of London.

A year later we read of the verdict on this event given by the bishop of London, Ralph Baldock (1303/4–1313), in a letter to the Prior of Holy Trinity, Aldgate:

August 2nd 1306. Commission to return a crucifix incorrectly made. Concerning an erroneous sculpted image of the Crucifixion [*'yconia crucifixi erronee sculpta'*] . . . We have heard on trustworthy authority that one Thidemann of Germany has, some time since, sold to Geoffrey, Rector of St Mildred's in the Poultry, a certain carved crucifix with a gibbet lacking a cross-beam which does

not represent the true shape of the Cross [*'cum patibulo sine ligno transversali veram crucis formam minime pretendente'*]; which Cross the said Rector had placed in his church, and whereunto the indiscreet populace flocked in crowds as if to a true image of the Cross – whereas it was no such thing; whence, as We foresaw, it could well be the case that their souls might be imperilled. By reason of which Cross We caused the said Thidemann and Geoffrey to be summoned to Our presence and, having made diligent enquiry from both, We have ordained as follows, in case persistence with this error should lead to even worse things: that the aforesaid Thidemann should take (and he has indeed so taken) his oath on the Gospels that he would never henceforth make, nor suffer to be shown for sale, within Our city or diocese of London, such a crucifix as this, or Crosses with arms contrary to the accustomed fashion, under pain of excommunication for disobedience. And because the said Thidemann claims to be a simple foreigner, who might probably and innocently have ignored the accustomed mysteries of the crucifix and the image thereunto attached, therefore We have graciously granted to him as follows: that he, having first restored to Us the letter of obligation for twenty-three pounds sterling which he has from the aforesaid Rector, shall obtain restitution of this Crucifix, which has been sequestered and deposited in your keeping [at Aldgate], for the avoidance of peril to men's souls, by the discreet Master Richard of Newport, who was then Our Vicar and Official. Wherefore we enjoin and command you that, having received from this Thidemann the aforesaid obligation (which you will faithfully transmit to Us), you will without delay deliver to the said Thidemann his image; provided always that it be borne from your monastery to some place outside our diocese, either at early dawn or late in the evening, when it can be done most secretly and with least scandal; and that you shall set up a watch to assure the execution of this command and to intimate the same to Us . . . given at Our palace at Fulham, August 2nd 1306.

(Fowler 1911: 19; Coulton 1919: 473–4;
Berliner 1945: 282 n. 69 for reading adopted here)

The events of Easter 1305 took place in a small chapel of uncertain origin, lying just to the west of the parish church of St Mildred, Poultry, so named because this was an area in the City of London where butchers, poulterers and purveyors of game worked. 'Conyhope' means 'rabbit field'. The church of St Mildred itself was replaced in the fifteenth century and the entire site cleared in the nineteenth; and nothing is known of its appearance or of that of the adjacent chapel of Conyhope. But the chapel certainly existed by 1303 and, according to later documents, was dedicated to the Virgin Mary and Corpus Christi. We shall return to the significance of this dedication later (Stow 1720: 33; Newcourt 1708: 550–1; Riley 1860: 229; Milbourn 1872: 3–5).

The first point to note about the Conyhope Cross is that it was expensive: £23 was a considerable sum for a wood sculpture in this period, exceeding the usual cost of, for example, rood-beam crucifixes of the type by now virtually mandatory for parish churches of all ranks (Duffy 1997). We could deduce from this that the cross was either extremely highly finished, with colour and gilding, or grossly overpriced as the work of a foreign craftsman in London, or simply very large – or indeed all

these things. That it was removed to the chapel at Easter – and therefore presumably used in the Good Friday public procession of the Cross – indicates that it may not yet have found a permanent home. The Good Friday Veneration of the Cross entailed its procession while veiled into the church or chapel, the chanting of the *Improperia* or reproaches, the unveiling of the cross and its procession into the midst of the people. The unveiling was doubtless a moment of high drama, especially given the nature of this particular image. The overwhelming effect of suddenly exposing a large and expensively finished crucifixion of a size worthy of a great church within such a comparatively small space can readily be imagined. Circumstances as well as medium and appearance would greatly have heightened the impact of the Conyhope Cross.

But scale and relative impact aside, the cross was objectionable to Bishop Baldock – a canonist and doubtless a stickler for such formalities – because of the shape of its arms. Its lack of a proper cross-arm for the gibbet (*‘cum patibulo sine ligno transversali’*) rendered it erroneous in a commonsense way: *ipso facto* a cross requires a cross-member. Berliner was one of the first to make the logical deduction that because the sculptor concerned was German, and because his cross lacked a cross-beam, the Conyhope Cross was therefore of a type known in German as a *Gabelkreuz*, or fork-cross, otherwise a pall or plague-cross, of a type quite common by the 1300s in Italy and Germany.

What of the history of this form of cross? As a type, the rough-hewn cross seems to stem from the image of the Tree of Life, the *‘Lignum vitae’* of Revelation 22: 1–2, the leaves of which were for the healing of the nations (Raw 1990: 176–8, pl. x). A common method of translating this text visually was to depict the limbs of a conventional cross as bearing rough-hewn stumps or beautiful fresh buds, worthy of Aaron’s rod. Examples of this are quite common in Anglo-Saxon and English Gothic art, and it is within this tradition in England that we get nearest to the Y-shaped cross (Rickert 1954: pls. 52–3, 102–3; O’Reilly 1987: 153; Raw 1990: pl. XIIb). The Y-form proper may well have had Frankish origins (Swarzenski 1974: pl. 18 fig. 40). The most celebrated early German instance is the spectacular and supposedly miraculous cross in S. Maria im Kapitol in Cologne of around 1304 (Figure 20.2) (Hoffmann 2006). It seems likely that Thidemann was himself Rhenish in origin and that he was working in an area of London – not far from the site of the Cologne Guildhall – with strong commercial and family ties between London and Cologne of the sort recently studied by Joseph Huffman (Huffman 1998). Thidemann may also have been a goldsmith (Liebermann 1910). The type of cross he made was, however, basically unknown in England and, with the exception of one related instance at Perpignan dated around 1307, was also unknown or avoided in Gothic France. The fact that such crosses were eschewed in the earliest ‘homelands’ of Gothic is not unimportant (Strucken 1928; Vavalà 1929: 714, figs. 25, 458; De Francovich 1938; Berliner 1945: 282 n. 70; Garrison 1949: nos. 155, 243; Thoby 1959–63: 178–9; Mühlberg 1960; Lisner 1970: figs. 6, 7, 9, 17, 20, 76; Alemann-Schwartz 1976; White 1987: 140).

Having established the basic facts of the case we need now to consider more closely what was wrong with the Conyhope Cross. That it was made by a German seems in official terms not to have been relevant, despite claims about ‘natural jealousy of the foreign craftsman’ made by the first commentators on the incident (Coulton 1919: 473). The ostensible case is clear: the form of the cross was an offence to



Figure 24.2 Crucifix (*Cruzifixus dolorosus*). St. Maria im Kapitol, Cologne.
Bildarchiv Foto Marburg.

Christian symbolism and an error risking men's salvation, and the honour paid to it by devotees was hence indiscreet. But the anxiety expressed was not only about the form of the cross but also about the form of the devotions which it provoked. Bishop Baldock believed by implication that mass devotion of this vigour would be appropriate to a true likeness, of the cross, but not to a false likeness. So far as we can tell, it was not part of the devotees' apprehension of the Conyhope Cross that it made any special claim to a form of authenticity over and above that of conventionally

shaped crosses. Nevertheless the clerical problem was ostensibly with dangerous and misleading innovation as an end in itself, devotion being displaced, in an idolatrous fashion damaging to men's souls, onto the outward appearance of the cross, whatever the claims for that appearance might have been (Camille 1989: 212).

In being shaped like a fork or a Y, the cognitive system of Christendom's central sign had developed a serious fault. Though sculpture tended to be the medium most subject to official disapprobation throughout the Middle Ages (e.g. Berliner 1945: 282–4), there is nothing hysterical or irrational in the official clerical case against the form of this cross. To function – and moreover to perform as an instrument of salvation – symbols should be correct and instantly recognisable.

The general thrust of Bishop Baldock's censure of innovation was not new. As is well known in the literature on the history of medieval art, it was adumbrated in the criticisms made by the Spanish bishop Lucas of Tuy, writing some time after 1227, of the cunning innovations in Christian iconography made by heretics depicting the crucified Christ attached to the cross with three (not four) nails, one nail being driven through both feet – a by then quite common thirteenth-century form of the *Christus patiens* (Coulton 1919: 474–6; Berliner 1945: 278–9; Binski 2004: 221–3). As Creighton Gilbert has noted, Lucas criticised but did not actually suppress: his views were essentially rhetorical (Gilbert 1985: 130–1). Innovation was one of the subtle means that heretics – and Lucas seems to be thinking of heretical artists rather than patrons, though the distinction in reality is unclear – used to subvert true doctrine. Lucas was not a systematic thinker, but he was capable of putting in his heretical opponents' mouths arguments of some interest to us. Heretics might claim of images of the crucifixion, as if rationally, that somebody may state we report the Lord was crucified with one foot over the other, pierced by a single nail, and we wish to change the practice of the church,

so that we may be able to excite the devotion of the people by the greater intensity of the passion of Christ and to prevent boredom by replacing the customs of long standing by something new.

(Berliner 1945: 278 n. 54; Gilbert 1985: 132–3)

Lucas seems here to have a theory of jaded sensibility or *ennui* as a precondition of radical aesthetic change that makes him almost a nineteenth-century aesthetician *avant la lettre*, in the vein of Göller or Wölfflin (Wölfflin 1964: 73–88). Indeed what is striking about these medieval accounts is how perfectly recognisable the main terms of the debate are: symbols should be correct, and innovation, even perverse and indecorous innovation, can stem from boredom. Even the sense that the artist's role is important seems modern, wary as we should be of 'modernist' anachronism.

A further point which also rings very true in terms of modern sensibilities is the further claim, in our first account from the London Annals, that the Conyhope Cross was a 'crux horribilis'. It was no part of Bishop Baldock's recorded censure that it was actually ugly or heretical, and clearly something could be in error without actually having those qualities. But the term 'crux horribilis' is as strong – and arguably as justified – as it is unusual in the annals of the reception of medieval art. Taking our two documentary sources together, it seems that the Conyhope Cross was evidently both erroneous and nasty, and it seems worth asking whether the improper

fascination which it provoked was not related to other no less visually gripping aspects of its appearance than to its transgressive general form as a sign. Do the London Annals in fact get nearer to the truth of the problem?

To understand why this might be so we have merely to pass from the term ‘*crux horribilis*’ to look at the Cologne *Gabelkreuz* of the 1300s, cited earlier as a fair indication of what Thidemann’s Cross actually looked like. Aside from the almost self-consciously Gothic form of the cross itself, so analogous to the lithe willowy intersecting ribbed forms of Gothic tracery, there is the corpus of Christ as shown on the Cologne Crucifixion. Of it one commentator has written: ‘The terrible Christ on the Cross at Cologne, a flayed corpse stretched out on a scaffold of rough wood, the muscles knotted and bulging, the veins striating the limbs, the rib-cage bursting through the skin, the stomach fallen in, and the blood rolling from hands and feet and brow and side, is a “showing” for “Everyman” which is marked by “unstinting realism” and “harsh and uncompromising realism” (Henderson 1967: 164–5). Much in this account rings true, because the formal qualities of flaying, stretching, knotting, bulging, collapsing and so on immediately bring to mind the strong vocabulary of contemporary English religious lyrics on the Passion which make extensive use of images of the stretching, ripping and forcing of Christ’s limbs and flesh on the cross (Woolf 1968: 29–30, 203). Indeed this tendency to push, strain or force formal, and so one might say expressive, limits seems more generally marked in the pictorial language of the period, as in German thirteenth-century sculpture or, indeed, in the most revolutionary Italian painting and sculpture in the years around 1300. This visual and verbal culture of extremes seems to have some relationship to the notion of ‘realism’ deployed in the passage on the Cologne Cross just cited. ‘Realism’ here seems to be like a particularly heightened vivid sense of the immediacy or conviction of an experience, rather than ordinary mimesis or naturalism (Camille 1998: 205). Indeed it might even be right to question whether it was a sense of something ‘natural’ at all.

Key to this is a notion of artifice. Here we should note André Vauchez’s fundamental insight that the Western Christian tradition laid such exceptional emphasis on a singular and superhuman account of sanctity that it promoted an order, moral and aesthetic, that was inherently unnatural rather than natural (Vauchez 1997). In terms of the corresponding visual order, the Viennese art historian Otto Pächt put it thus: ‘If we reflect that the subject matter of Christian art consists entirely of miracles, we shall see that medieval art was constrained to create a pictorial world of its own, with a visual logic independent of what we call the laws of Nature’ (Pächt 1999: 45). It seems possible that the Conyhope Cross was problematical not only because of its general form as a symbol, but also in a more fully aesthetic sense. What was at issue was its *gestalt*, i.e. its form understood as bearing a greater expressive significance than the sum of its parts. Clearly how this expressive aspect might have been regarded at the time is a relative matter, and we can scarcely guess at the quality of the emotions elicited by such objects, though their intensity can well be imagined. But the fact of difference, aesthetic, cognitive and emotional, is key: Thidemann’s Cross shows every sign of having been a self-conscious and disturbing departure from the norms, employing what we would now call a tactic of defamiliarisation. The paradox of this tactic is that while apparently deploying natural forms or metaphors – the Tree of Life – the outcome is radically unnatural, in the sense of

being contrary both to custom and to the phenomenal world. Thidemann emerges from this as a kind of *agent provocateur* administering a shock to his London audience by adjusting the appearance of the central icon of Christian faith to produce a heightened awareness of it. Such methods had been used by German sculptors before, both in the style and the contextualisation of images: witness the remarkable mid-thirteenth-century rood screen of Naumburg Cathedral in which the crucifix and its emotive entourage are placed in striking proximity – perhaps both comforting and unnerving – to those entering or leaving the choir and perforce bled upon by the Redeemer (Figure 20.3) (Jung 2013). This is a form of participative theatre, and it is effects like this that have led some commentators to emphasise the ‘expressionistic’ tendencies of German art from the middle years of the thirteenth century onwards.

Realism and naturalism are not easy terms to separate, but we should remain with them for the present. It has for some time been an assumption of art history that from the mid-thirteenth century onwards naturalism was an important ploy in the new tactics of affective religious art. This view is not complete, but neither is it entirely without reason or support. In the fourteenth century, for example, we learn of a craftsman, whether lay or monastic is unclear, working – surprisingly enough – for the English Cistercians at Meaux on the manufacture of a crucifix with a real naked man before him for reference ‘so that he might learn from his shapely form (*formosa imago*) and carve the crucifix all the fairer’: a practice which will come as no surprise to those who have pondered the mimetic triumphs – in the nominalist or Aristotelian sense – of French and German sculpture, or Italian painting, of the period (Heslop 1987: 29; Camille 1989: 212–13; Binski 2004: 228–9). In this case the good and the beautiful seem to enjoy an effortless relationship, as they did in classical art. But this was not always the case with holy images. A common method to enhance the impact of the cross in this period, on the contrary, was to treat the surface of Christ’s body as an integument scarred and pitted with weals, a veritable inventory of suffering; and we can find instances of this tradition – which culminated in Grünewald’s Isenheim altarpiece – from at least the fourteenth century in northern Europe (Hamburger 1997b; Merback 1999). The Cologne Cross has this type of integument; but its character as an image is not merely one of surfaces, as the earlier description made clear. Here the underlying form of the body itself becomes unfamiliar, for it is apparently drawn out of the same fibrous vegetal matter as the cross-stem itself (witness also the curled-leaf titulus). This is not an empirically observed human body. The head and face hang exceptionally low so that the ghastly hollow-eyed and sunken-cheeked visage disappears into shadow and is partly cancelled – and with this are cancelled or rendered ugly those sites of affective attention which made the human face a key focus for spiritual and devotional attention in this period (Ringbom 1965). Christ’s sacrifice – vivid, visually gripping, and emotionally harrowing – becomes something stripped of humanity. A metaphor of life, the tree-cross, has been mingled daringly with a cadaverous Christ, the ‘flayed corpse’ of our earlier description.

To understand why something – art or artifice perhaps – has in this case superseded over any sense of balance and moderation between ideas and sensations, we might compare it to the serene, even sweet-toned, early thirteenth-century ‘*Lignum vitae*’ crucifixion in the Peterborough Psalter (Figure 20.1). This reminds us clearly

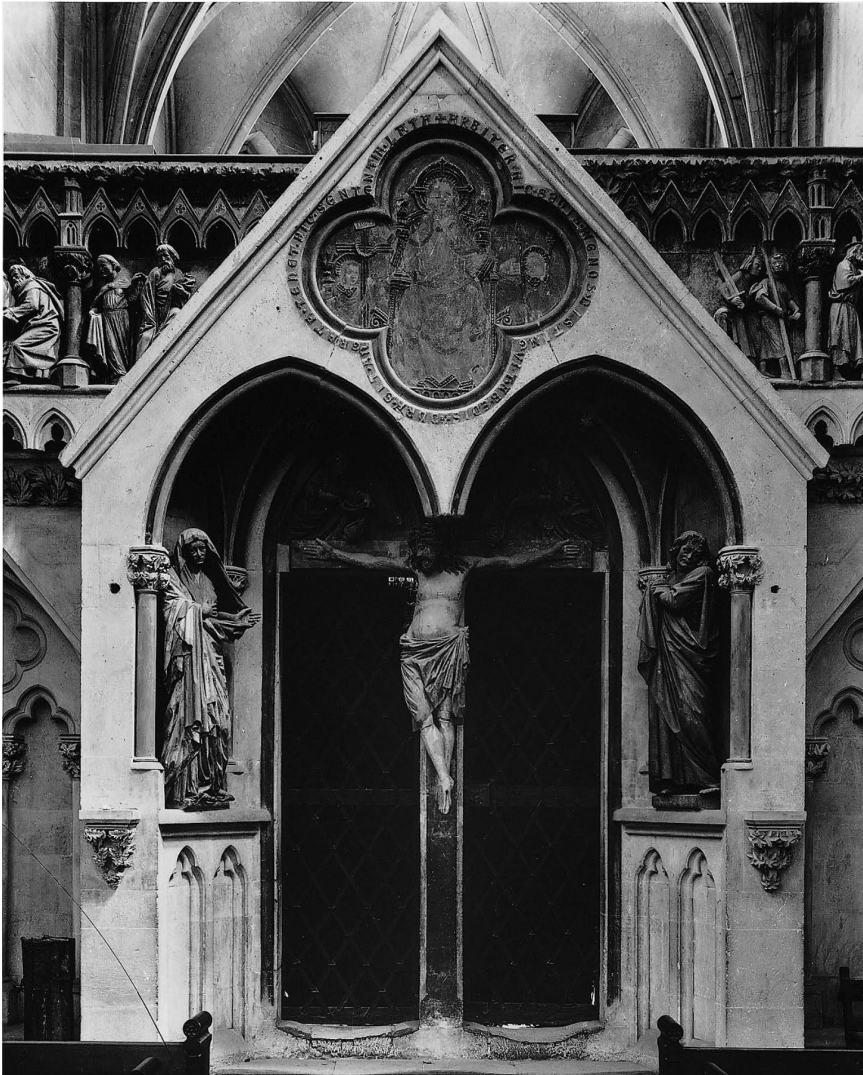


Figure 24.3 Crucifixion with Mary and John. Rood screen, Naumburg Cathedral, c.1250. Bildarchiv Foto Marburg.

and unambiguously, from the perspective of a ‘classicising’ or ‘idealising’ phase of English Gothic art, that the appropriate emotions due in reverence of the cross are love, grief or pity – and not revulsion; revulsion at the cross would be a sign of hard-heartedness and even closure to the message of the Redemption (Woolf 1968: 63–5; Binski 2004: 223–30). On the basis of a visual culture in England much more familiar, even by 1300, with objects like the Peterborough Psalter, we can begin to understand why a ‘*crux horribilis*’ would strain the concept of a public, or private, religious image held by those like the bishop and canons of St Paul’s presumably unfamiliar with the latest subtleties of continental religious art. To assimilate such

images requires a quite different sense of decorum in which, as Jeffrey Hamburger has noted (following the work of Eric Auerbach), a sense of humble style or *sermo humilis* is understood as a legitimate means of conveying fundamental Christian messages (Hamburger 1997b: 19–20).

This last point about decorum – and, one might say, metaphysical wit – is important. As we have seen, Thidemann's Cross represented a type fairly new in Germany and completely unfamiliar in England; and the role of sculptors working in the years around and after 1300 in the territories between eastern France and southern Germany on new images of this type – striking, thought-provoking, paradoxical and frequently quite ugly – deserves note. It is to this period and to Germany that we attribute the invention of the so-called *Vesperbild* or *pietà*, and the *Andachtsbild* or devotional image, a category which has included the *Gabelkreuz* as well as the image of St John sleeping on Christ's breast (Passarge 1924; Panofsky 1927; Krönig 1962; Mühlberg 1960: 69). There is an undercurrent of incongruity, paradox, veiling and of visual oxymoron in some of these images, which relates well to that disconcerting mixture of life and death apparent on the Cologne Cross. Consider for example the use of fragrant roses and rose-like wounds – the rose-coloured blood of Christ alluded to by spiritual authors – on the otherwise repellent Röttgen *Pietà* (Figure 20.4) (Hamburger 1997a: 63–100; 1997b: 12); or the sense of the secret wisdom in Christ's breast imparted to John; or the 'joyful *Pietà*' (*freudvolle Vesperbild*) in which Mary's low-key but evident smile imparts her possession of private spiritual insight into events epitomised by the image itself (Reiners-Ernst 1939).

Such new, difficult, pictures are difficult not only because they are self-reflective epitomes, but because they are bittersweet. Lacking the clarity of categories, they instead test the boundaries around human emotions and ideas, and genres of art, to the point of consciously confusing them. Such images lay particular stress on the fact that emotions are never simplexes: they are always complex or mixed (Carruthers 2013: 80–107, 140–6). Emotion does not come cheaply here, for there is nothing sentimental or obvious about these new forms. Their aim is to elicit compunction, that particular and uncomfortable form of Christian catharsis. In his brilliant discussion of this sophisticated theme in the visual culture of late medieval female religious orders, Jeffrey Hamburger has drawn attention to the ugly and incongruous in the visual tactics of German wood sculpture made for such circles in the early years of the fourteenth century: for instance the *freudvolle Vesperbild* and nearby (and even more disturbing) smiling crucifix at the abbey of St Walburg at Eichstätt (Hamburger 1997b: 10–13, figs. 3, 4). These tactics mark a step away from the earlier thirteenth-century innovation in French, English and German art, and especially sculpture, of deploying the face and body together to convey a categorical Christian morality – as in the earlier Wise and Foolish Virgins at Magdeburg, or the Elect and Damned of the Last Judgement at Bamberg (Binski 2004: 233–59). In those cases extremes of bodily movement and facial expression, and perhaps misleadingly clear contrasts between the sad and ugly, and happy and beautiful (the thirteenth-century tendency to grimace does not always clearly separate the two), serve to fulfil a rhetorical and didactic purpose. They remind us of Thomas Bradwardine's citation in his treatise on memory of the value of extremes in image-formation to mnemonic ends, for example 'a thing of great dignity or vileness, or wounded with greatly opened wounds with a remarkably lively flowing of blood, or in another way made



Figure 24.4 Röttgen *Pietà*. Middle Rhine, c.1350. Height 89cm with base. Rheinisches Landesmuseum, Bonn, Inv. Nr. 24.189.

extremely ugly' (Carruthers 1990: 282). Ugliness, it should be noted, was not a straightforward category but enjoyed a kind of dialectical relation to beauty (Carruthers 2013: 175–81). Yet coarse as these earlier images in some ways are, without their theatrical projection the expressivity of the later images is inconceivable. Throughout this whole development we become aware of the way in which medieval artists realised the potential of the human face and body as imaginative resources capable of expressing essentially metaphysical truths (Binski 1997). The fact that faces and bodies could eventually be ugly as well as beautiful in the service of the Christian message is not a contradiction, but a fulfilment of the dark enigmatic side of the Christian mimetic tradition.

It is not difficult, as the literature on devotion to the Passion shows, to find other ways in which the striking, ugly and incongruous were eventually used as positive themes in late medieval religious discourse. The ascetic imperative was a more important factor in medieval aesthetics than is often assumed. Hamburger for example notes the Augustinian sentiment that Christ 'hung ugly, disfigured on the Cross, but His ugliness is our beauty' and cites Hans Robert Jauss's extremely apposite remark for the present chapter that 'the Christian concept of *humilitas passionis* shattered the canonical, classical pairings of the good with the beautiful and the ugly with the depths of evil' (Hamburger 1997b: 19–20). We find eloquent use of this type of antithesis in English medieval lyrics on the Passion such as the Good Friday *improperia* (we recall the display of the Conyhope Cross on Good Friday), and religious poems in the tradition of the *Summa praedicantium*:

You are a man and wear a wreath of flowers: and I am God and wear a crown of thorns. . . . You have gloves on your hands and I have nails through mine. You use your feet in dancing and I in toil. In the dance your arms stretch out cross-like in empty pleasure: and mine are stretched on the Cross in shame. Your side is slit to show your vanity: and my side is pierced for suffering.

(Woolf 1968: 41 n. 4)

This antithesis between worldly *vanitas* and the ascetic and compassionate mode – an antithesis arising exactly in this period too in the aesthetics of the macabre, as in the poems and images of the Three Living and the Three Dead – is not wholly unrelated to issues of class, always treacherous ground. For example, Vauchez's description of the character of the holy in the European Middle Ages cited earlier, entailed a distinction between the ascetic plebeian tradition of Mediterranean sanctity, and the northern aristocratic tradition of the sanctified suffering leader (Vauchez 1997: 157–245, 427–43). The *Gabelkreuz*, common to Italy and Germany, indicates how problematic pan-European distinctions of this type, distinctions at once social and aesthetic, actually are. We cannot be sure that the Conyhope Cross elicited clerical disapproval because it showed the Son of God in an ugly, and hence plebeian, guise. But just enough evidence survives to suggest that in thirteenth-century England there was some sensitivity to the excessive humanising of Christ's divinity, or, conversely, the divinisation of the human. St Francis's stigmatisation had, after all, been anticipated by the actions of a certain peasant from Banbury who in 1222 inflicted the five wounds of Christ on himself before calling himself Jesus. He was duly sentenced to life imprisonment by the clerical authorities (Vauchez 1997: 440 n. 51). The path to

sanctity in Assisi or Liège or the Rhineland proved to be very different (Bynum 1987, 1992; Hamburger 1997a, 1997b).

Acts of practical as opposed to verbal censorship of medieval art are not so common as to deprive the events in London in 1305–6 of interest. In what has been said so far, some effort has been made to delineate on what grounds objects such as the Conyhope Cross were held – on the face of it – to be unacceptable. As with all censorship, an element was the actual success of the image in provoking an out-of-hand, popular response, a *succès de scandale*. It is central to the argument proposed here that some consideration of aesthetic matters needs to be admitted – or re-admitted – to the discussion of this domain of objects. The notion that an unacceptable image could – as in later centuries – be excused precisely on the grounds that it was ‘art’ was obviously impossible, for its artfulness was clearly part of the problem.

But in admitting that the aesthetic character of this cross was one key to understanding why it was simultaneously attractive to the people and objectionable to the authorities, we can go a little further still in establishing what led to its suppression. For at heart, no matter how rational, there is something unconvincing about the official case against the Conyhope Cross. The real issue is whether what the bishop said was the whole story. What he said reveals the thinking of a lawyer intent upon establishing an unimpeachable case. But is there not also some cause for suspecting that in his estimation the offending object was a symbol of something more, something both immanent and threatening? Of particular interest is the treatment meted out to Geoffrey of Wycombe, the rector of St Mildred’s and hence the patron who paid for the object. Both he and the sculptor were summoned before the bishop. Though Thidemann the sculptor may have suffered commercially, he seems otherwise to have got off quite lightly: the bishop excused him on the grounds of being a simple foreigner, ignorant of religion. It was the rector, not the artist, who suffered ‘multa mala’ at the hands of the cathedral clergy.

This leads us to suspect that Geoffrey and Thidemann were together responsible for introducing innovations at Conyhope of which the *Gabelkreuz* was but one, albeit an exceptionally forceful, expression. What these innovations were is unclear. One possibility is suggested by the later record of the dedication of the chapel to the Virgin Mary and Corpus Christi. Whether or not devotion to Corpus Christi had already spread to London by the 1300s is unclear: the feast of Corpus Christi was universalised in 1311–12 and was instituted in England by about 1318 (Rubin 1991: 164–212). Reference is made to it in the early fourteenth-century statutes of Bishop Baldock drawn up while he was dean, before 1303–4 (Simpson 1873: 141; Sekules 1986: 131 n. 52). The possibility exists that Geoffrey and his congregation, about which little is known, were associated with some form of Corpus Christi devotion. Such devotion had already spread to Cologne by 1279 and may well by 1300 have been associated with the *Gabelkreuz* (Mühlberg 1960: 78). As such, the politics of the Conyhope Cross went beyond the mere shape of its arms. What was at stake was the more general role of this repellent image as the focus for forms of devotion, perhaps rather energetic, hitherto more common abroad. Removing the ostensible object and expression of those devotions amounted, in effect, to a form of containment by the bishop.

Indeed a further detail suggests that what was being contained – enthusiastic local devotions focused on an obscure chapel in the City of London – was of absolutely

practical consequence for the cathedral. We have still to explain quite why the canons inflicted ‘*multa mala*’ on the rector. Aesthetic discrimination, high theological principle or dislike of popular religion, are in themselves insufficient or at least undemonstrable explanations. Much more significant is the cathedral ordinance of 1300, five years before the display of the cross at Conyhope, which directed that the income from donations to a certain great cross at the north transept of St Paul’s itself should be directed to the new works on that great building until they were finished (Simpson 1873: lxvi, 91). Here we get to the bottom of it: Geoffrey of Wycombe had been rash enough to set up a rival to the cathedral’s own money-spinning crucifixion; and the weird form it had taken in view of its association with alien eucharistic devotion, and the compelling effect it had had on the local populace, had played straight into the bishop’s hands.

Yet we are still left with the power of this image for an early fourteenth-century London congregation. That this power was in some measure a product of its terrifying appearance may go some way to shed some critical light on the notion proposed by Belting, that the late Middle Ages witnessed a crisis in the image which effectively saw a replacement of the notion of the image as ‘presence’ by the image as ‘art’. As Belting puts it: ‘The new presence of the work succeeds the former presence of the sacred *in* the work’ (Belting 1994: 459). Censored images offer a means of assessing the truth of this generalisation. Conyhope indicates that the boundaries around image and art may in practice have been less sharply defined. In such cases, and especially in the case of those in which artists and patrons were directly held to account, images were suppressed precisely because they were effective expressions, and not just accidents, of wider phenomena of devotion. This renders it harder or impossible to separate ontologically ‘image’ and ‘work of art’. The presences ‘in’ and ‘of’ the work were assimilated to one another – what images looked like as art was related to the way they functioned as images. As Freedberg has suggested, the fact that people might flock to a particular image of the Virgin Mary, or indeed of the cross, ‘has, in profound ways, to do with how the images look’ (Freedberg 1989: 120). The separation of image and art starts to look dangerously anachronistic, even modern. It is, in fact, a product of a rationalist mindset particularly apparent in social anthropology and the difficulties that discipline encounters with the notion of the aesthetic (Binski 2014: 55).

The failure is of another type too. Art historians who examine the history of international aesthetic relations in a period which preceded the formation of the so-called International Gothic Style have tended to consider the evidence of the influence or actual importation of works of art from one context to another – say, in our period, the impact of Italian painting in northern Europe after 1300 – as though this were an entirely positive, progressive and smoothly uninterrupted development, a kind of predetermined teleology of style (Panofsky 1953; Meiss 1967). The possibility that alien art forms might sometimes have been disruptive is simply not considered in such accounts. There was a strong association in medieval aesthetics between the ugly and the alien (Carruthers 2013: 174–81). As it stands, the story of the Conyhope Cross is one of controversy. Though it was no part of the case against the Conyhope Cross that it was the work of a foreigner, it has also to be said that the influence, and hence we may assume presence, of German art in England around 1300 was vastly more limited than the nature of the commercial and political relations between the

two territories might at first lead us to assume. Joseph Huffman's remark in his recent study of Anglo-German relations, that 'Anglo-German relations during the Central Middle Ages were certainly not a peripheral element in western European history, although most modern accounts of this era have neglected to integrate this dimension into the more traditional preoccupation with Anglo-French and German-Italian interactions' (Huffman 1998: 240, 239, 242) cannot easily embrace the history of art. German art appears only to have become influential in England in the second half of the fourteenth century. The suppression of the Conyhope Cross may have had a terminal impact on the future of this type of image in England: for though it continued to be produced in the Rhineland well into the fourteenth century, so far as I know it disappeared almost entirely from England, with one surviving exception carved on a provincial but ambitious tomb of c.1340 at the Augustinian priory at Cartmel (Markus 1996: fig. 13). Coincidentally it had been to the prior of the Augustinians at Holy Trinity, Aldgate, that the bishop of London's vicar had entrusted Thidemann's Cross in 1305–6. While some images of Germanic type like Thidemann's were problematical, others, such as the *pietà*, naturalised as Our Lady of Pity, were to have a perfectly successful native history, but not until the later Middle Ages in England (Morgan 1993: 53–7). As it is, we are left wondering what happened to Thidemann's controversial cross, removed by nightfall and quietly erased from the history of English art.

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PART III

POWER AND POWER STRUCTURES



INTRODUCTION

The chapters in this section examine varieties of medieval power in the political sense: they deal with monarchies, aristocracies and oligarchies, regimes and institutions, law and administration, but also with political actors and with the personnel of government. Two dimensions of change and variation emerge strongly. First there is that of time: earlier medieval kingdoms were ruled extensively rather than intensively. Kings could count on widespread support from nobles whose own lands were far-flung. Solidarities within kingdoms were maintained not by administrative agencies but by broad communities of interest and shared culture. Government was a family affair, and dynasties have rightly been given pride of place in the modern historiography of medieval realms, though only recently has enough attention been paid to conflict within those dynasties, and hence to the ways the evolving shapes of ruling families helped to determine political outcomes. From the eleventh and especially the twelfth century onwards, increasingly monetised economies, the growth of literacy, and the professionalisation of law, created the possibility of more intensive government, with permanent, specialised agencies. The Church was a pioneer of these innovations; and readers keen to grasp the nature of governmental change across the medieval centuries will the more readily do so by reading the first chapter, then the last two, of Part III. The Church also pioneered a new conception of power as sovereignty: theoretically and in practice, the pope's was the ultimate court of appeal. Unsurprisingly, kings followed suit, and in the fourteenth and fifteenth centuries, royal propagandists produced theories of secular sovereignty that were at once legalistic and thoroughly political.

Then there is the dimension of space: it is no coincidence that Italy looms larger in this section than in previous ones, for the political power of Italian cities, and their creation of new power structures within urban space and also covering the surrounding countryside, are among the most striking developments of the period from the twelfth century onwards. The wealth of these cities gave them enormous political power internationally as well: the crusading activities of the twelfth century and later are unthinkable without Italian involvement. Nor could the Hundred Years

War have been undertaken without the financial support of Italian bankers for both sides. Italian cities were not the only ones to emerge onto the political stage in the later medieval centuries: though the Italians remained dominant in the eastern Mediterranean, the cities of the Netherlands and northern Germany created their own spheres of commercial and political power in northern Europe, based, like that of their Italian counterparts, on *de facto* autonomous control over urban space. Cities played new roles within kingdoms too, and some, such as London and Paris, became capitals, fixed centres of government. Two new kingdoms, Portugal and Sicily, were twelfth-century creations. They could afford to be smaller than the huge amalgamated realms of the earlier Middle Ages, in part because commercial resources enabled sufficient wealth to be amassed to sustain a separate state on a smaller territorial base. Wars fought in distant theatres, and long-distance commerce, evoke the international dimension of medieval politics. In the earlier Middle Ages, exchanges of envoys had been offshoots of inter-dynastic links: later, diplomacy became a structured set of inter-state relations. But were medieval European state-structures unique to western Europe? Many explanations can be invoked to explain why it was western Europeans alone who came to dominate the globe, economically, then politically, in the early modern period, but a shift of focus to the 'medieval' African and Islamic state centred on Timbuktu allows a more critical perspective on Europe itself, and suggests that global dominance was not a foregone conclusion.

So far, the spotlight has been on change within the medieval period, yet, coexisting with change, and in some respects more important, were continuities in the ways in which power was organised, formulated and wielded. Kingship, throughout the Middle Ages, was the predominant governmental form, generalised from Uppsala to Naples, and from Lisbon to Budapest. The ideology of kingship, crystallised in the words, chants and gestures of coronation rites, though not identical, was similar throughout Latin Europe. King and Church within each realm worked closely together – which is to say that kings controlled appointments to higher ecclesiastical posts and deployed churchmen as their agents, while offering Church property and privileges protection, on royal terms. *Regnum* and *sacerdotium* might sometimes be at odds, not least when the Papacy made rare forays into the politics of kingdoms, and from the eleventh century more frequent interventions in the politics of the German Empire, but in fact the norm, like the ideal, was of harmony between them. The Church preached, and often practised, peace: when it made war, that was at the behest, or with the strong collusion, of kings (except in Central Italy where the Papacy itself was the secular as well as ecclesiastical lord). Though to varying degrees throughout Latin Europe (including England), Roman law influenced legal thought and practice, in part because the Church's law was the vehicle of that influence, in part because a professional legal training anywhere entailed close study of the Code of Justinian. In this respect, Italy presented the most Roman of faces. Italy had always been different in the extent of its persisting Roman traits: urban life never disappeared there, even in the 'Dark' Ages, and the towns always harboured some lay literacy and even a degree of legal professionalism. Another key institution that took shape in the early Middle Ages and persisted, in new guises, thereafter, was the assembly. There were local and regional assemblies, and urban assemblies, where disputes were settled by 'knowledgeable neighbours' and 'good men' according to custom. Inseparable from the habits and mentalities of those relatively frequent

gatherings was the regnal assembly, or assembly of the whole kingdom. Often organised in groups of representatives of estates – churchmen, nobles, townsmen – and regional interests, and sometimes called by the informal name of parliament, or ‘talking-session’, the regnal assembly was the forum in which kings met with their leading subjects and power was negotiated between them in matters of law and justice on the one hand, and the raising of taxes on the other. In some kingdoms (such as France), the regnal assembly was never as important as provincial assemblies, in others (notably England) it became a regular institutional partner, sometimes (as in Aragón) a sparring-partner, of royal government. American scholars, seeking the origins of modern Western democracy, have not been wrong to insist that there really was something worthy of the name of medieval constitutionalism, and that this contributed something to modern ideas of the rule of law and representative government. At no point in the Middle Ages were such ideas and practices absent; and the underlying reason was that no medieval state could ever mobilise sufficient power to manage without consensus, achieved through talking. Power-sharing was not a choice, but a condition of political life.

Many textbooks on medieval history evade the question of the balance between change and continuity by covering only part of the Middle Ages. In many university courses, the division of medieval history into earlier (‘Dark Ages’, or in the English case, the Anglo-Saxons) and later (in the English case, the post-Conquest period), with the boundary somewhere around 1100, has allowed the ‘earlier’ brigade to evade the question, and the ‘later’ brigade to claim change and novelty without having to demonstrate it. Fortunately the book you are reading is no textbook, and the editors were more than happy to follow the publisher’s plan of comprehensiveness! There can be no shirking the question here, therefore. In the case of earlier and later medieval government, power and power structures, gender offers one useful axis of comparison. In the earlier Middle Ages, the women of royal dynasties could, and often did, wield ruling power alongside their menfolk through their control of royal households and convents founded by royal families and staffed by family members. Those households and convents were key agencies of government. From the twelfth century onwards, new institutions are clearly evidenced: royal courts of justice, for example, that met in or near the capital, for fixed terms, staffed by legal experts; royal accounting and fiscal agencies staffed by financial experts; and writing-offices for official documents, such as (and most notably) the papal chancery. Needless to say, the experts were invariably male, since the schools and universities that trained them were for men only. In this brave new world of professionals, high-status women could no longer exercise political power as extensively or as conspicuously as before. Nevertheless, they continued to exercise it, and in the old ways, for when all was said and done, administration was not (though it was closely linked to) politics, and high-profile public talking-sessions, however much some participants enjoyed posturing, were not such central power-centres as royal and noble courts, and courts operated continuously whereas parliaments, most of the time, were not in session. It was courts, as well as parliaments, that were the key political and also social and cultural institutions of the Middle Ages. Though seldom labelled as such before the twelfth century, they existed long before. Women as well as men inhabited them as did churchmen whose status caused some debate and many jokes; women, as well as men, formed the audience for the displays and serious entertainments, including

readings of historical works, that court life turned on; women, here, were agents of as well as participants in the civilising process that helped to shape a distinctively western European culture in the course of the thousand-year span of the Middle Ages. In other words, the old forms of familial politics, at the level of the kingdom, but also of lordships where nobles aped kings and noblewomen queens, were not superseded by the new, but supplemented. Using the measure of gender, then, encourages Part III's steer towards change within continuity (or continuities), rather than the reverse.

CHAPTER TWENTY-FIVE

SPACE, CULTURE AND KINGDOMS IN EARLY MEDIEVAL EUROPE



Paul Fouracre

The development of Europe from the fall of the Roman Empire to the fall of the Carolingian Empire is a subject which should be of interest to all who would seek the origins of the Europe we know today. For it is in this period that not only do we see the formation of Christendom in the broader cultural sense, but also we meet the not too distant ancestors of the languages we speak today, and first discern the territories that the major states of modern Europe would later come to occupy. The Emperor Charlemagne (d. 814) was referred to as ‘the father of Europe’ and it has often been remarked that in terms of territory, ‘his’ Europe bears a strong resemblance to the area included in the pre-1972 ‘common market’ of Europe (EEC).

How Europe was in this sense ‘made’ in the early medieval period is the stuff of text books and it has what appears to be a straightforward explanation in terms of military and political history: after the decline of Rome, invasions, conquests and wars placed the peoples of Europe in the appropriate places (even if some of the names were rather different). After a frightful, even barbaric, start, these peoples, their rulers, and their political and religious institutions all became progressively better organised, the invasions stopped and European civilization began to flower from the twelfth century onwards. This outline history of the making of Europe has the advantage of hindsight. It is comprehensive and comprehensible, and to some degree it is faithful to the changing content, range and quality of the available source material. Its disadvantage lies in the way in which it treats outcome as destiny. That is to say, in describing the formation of Europe, the overview does not ask why European culture took the form it did, or why Europe should have been formed into large territorial states (like Charlemagne’s) at such an early date. Why, in other words, did not the lands that had formed the Roman Empire break down rapidly into a mosaic of petty chiefdoms? Why did Europe not become a babel of languages and cultures? Conversely, why should a degree of cultural homogeneity have developed across Western Europe despite the fact that it had been divided into different states since the end of Roman rule? This chapter will address these issues of culture and space. It will first characterise the common cultural, social and economic conditions which explain why early medieval states were very large, and why there was such similarity between them that one can speak with some confidence of a common medieval

culture. It will then ask how this rather conservative and stable culture could also be a vehicle for change.

The political map of modern Europe is in large part an inheritance from the Roman past, for four of the major nation states of Western Europe, that is, Britain, France, Spain and Italy, occupy territories which roughly correspond to former Roman provinces. The great exception here, Germany, was defined by its position lying outside, but also alongside, the Roman frontier. In the cases of France, Italy and Spain, it was the Roman provincial organisation which in the first instance determined the shape and size of the so-called 'successor-states', though in each case, over time these basic moulds would be broken up and reformed in the course of invasion, partition and the rise and fall of regional powers. In this way the different parts of what had been the Roman Empire in the West had their separate histories, but they also shared a common inheritance. The formation of European culture in the early middle ages lay in the accommodation of this heritage to changing local conditions, and it was the adaptation of the universal to local conditions which gave that culture its essential character of local variation upon a common theme. Let us first look at some common cultural denominators before turning to differences.

With the exception of a very few persons and places, early medieval Europe was poor by Roman standards. We have, of course, no economic statistics to prove this, but there is a consensus among historians and archaeologists that a decline in taxation, the disappearance of copper coinage, and, later, gold coinage, the decline of towns and bulk trade, the appearance of famine and plague, the reduction in the size of buildings, and the increasingly common use of wood rather than stone in their construction, are all indications that there was deep and lasting economic recession in Europe between at least the fourth and eighth centuries AD. The economy of the later Roman Empire had had a strongly fiscal basis, so that the decline of the economy and the weakening of government powers were part of the same process. In analysing the transformation of the political order which followed, the great land-owning magnates who dominated the offices of the State and, increasingly, of the Church, have often been made the villains of the piece. For they are said to have withdrawn their support from the government and the army and to have kept for themselves that income from their peasant tenants which had formerly been paid in tax, and upon which the army and bureaucracy depended. This is supposed to have had the effect of 'privatising' power as these landlords came to exercise unfettered control over the countryside and its inhabitants. The key change is said to have been the transformation of taxation paid to the government into rent paid to the landlord, and with this transformation came the end of the Ancient World.

The picture is not, in fact, as clear-cut as this, for the position and power of landlords was not identical throughout Western Europe. The impression that they were selfish, short-sighted and greedy is informed on the one hand by the condemnation of abuses of power in imperial legislation which is partly formulaic and rhetorical in character, and on the other hand by writings of churchmen who used the idea of the abuse of power as a vehicle to express their particular moral agenda. In lowland Britain, the class of landed magnates of Roman or Romano-British stock seems to have disappeared in the course of the fifth century. In Spain and Italy, the wealth and power of this class were balanced by those of the cities. It is in Gaul that we find the classic examples of the magnates who did not just cling on to power and privilege,

but actually reinforced their standing. Gaul, or Francia as it would soon become, is therefore often taken as a model for the development of European society as a whole. We shall return later to the question of how valid it is to use it as a model in this way.

Despite misgivings about the degree of negative influence traditionally ascribed to the great landowning aristocrats of the late Roman world, it remains true that their social and cultural predominance was passed on. Medieval Europe thus inherited, or, in some areas, came to emulate, the social hierarchy of the Roman past, and European culture developed in ways which conserved and strengthened that hierarchy. Across Europe the two leading figures in each locality were the count and the bishop, holders of offices which were Roman in origin. Their high status was in effect a benchmark against which the rest of the hierarchy was measured. In the laws of early seventh-century Kent, which had been recently converted to Christianity, we see bishops being introduced into the hierarchy, and the value put upon their honour and persons is very high indeed, being second only to that of the king.

The power of such leaders was based on a combination of landholding and office-holding, the former presupposing a stable labour force, and the latter a measure of effective public authority. In the countryside, the social structure was another element of continuity from the Roman past. Spread across the European landscape were great estates held by lords, the Church and the kings. They were worked by a dependent or unfree peasantry. There were also free peasants who worked their own lands, but the proportion of this group in the population is impossible to estimate, for by and large our evidence is concerned with the lands of the lords. We also know much more about landholding and estate organisation in some areas than in others. There are, in particular, great estate surveys (so-called 'polyptychs') from the lands of various churches between the Loire and Rhine, which were made in the ninth and tenth centuries (though evidently based on earlier, now lost, examples). Much generalisation about the nature of rural society draws upon these surveys. Although conditions could be very different in other parts of Europe, in almost every region the evidence consistently shows land described in terms of the income it could provide. The cultivators of the land were treated as a key asset, and tied to the land, along with the stock and the fixtures and fittings. Lords could expect immediate income from any land they acquired, because cultivators were already in place, both producing for direct consumption and paying rent in labour services, in cash, in kind, or even in all three. The existence of a dependent peasantry was therefore what enabled land, or, rather, estates, to be used as political reward and payment, and to circulate in other ways, through gift, purchase, exchange, partition and inheritance.

The productivity of farming seems to have been very low in the early Middle Ages, perhaps not much above subsistence level. Magnates thus needed to draw income from massive amounts of land to maintain a high status of which great wealth was a primary means of expression. The visible display of wealth came in the form of precious metals and jewellery. Stocks of precious metal, and especially gold, were declining in the post-Roman period, and continued to do so until an increasing amount of silver became available in the ninth and tenth centuries. Scarcity fuelled the demand for precious metals, and one of the hallmarks of early medieval culture is an obsession with gold and silver, or, simply, 'treasure'. The ideal lord had lots of treasure and was typically generous with it. The possibility of acquiring treasure either through gift or

by political and military service was another factor which drew magnates into the entourages of kings. Access to the proceeds of taxation, tolls and tribute, that is, to the main sources of moveable wealth, all came through the king. The larger the kingdom, the more resources could be gathered and redistributed in this way, and the greater the opportunities for magnates to acquire land in different regions. It was these conditions which led to the formation of large states, and to support for an authority which might both protect widespread property holding and furnish some of the moveable wealth needed to protect status. But the magnates of early medieval Europe were not simply pathological in their greed. They faced fierce competition for their status and offices and were required to be commensurately generous to their own clients and followers. Lands could also be split up at times of inheritance, with the new generation looking for new land to add to their fractions of the patrimony.

We have seen that even if the magnates did share some of the responsibility for the decline of public authority in the later Roman Empire, in the post-Roman world they became the pillars of such authority as remained. In Francia (Gaul), Italy and Spain, barbarian kingdoms directly replaced Roman government in the fifth and sixth centuries. Each of these kingdoms was identified with the invaders who had conquered the territory and from whom its ruling families were drawn. After much initial disruption, and in the cases of Spain and Italy, some religious conflict, a social elite made up of both incomers and natives formed around the kings. It was these elites who supported the rulers and benefited from such resources as government could mobilise. It was the collective power of rulers and magnates which was the mainstay of public authority, but the royal court was also the principal focus of association between the various magnate families. As Timothy Reuter explains in Chapter 29, great assemblies of rulers and magnates were a primary organ of government, and magnates were prepared to travel hundreds of kilometres to join them. Recent work on the leading families has repeatedly shown links between them throughout these large kingdoms, and in this sense the coherence of each kingdom owed a great deal to the desire of magnates from different regions to associate with each other. Early medieval elites were, in sociological terms, highly integrated. In this way, states grew up which were larger than their capacity to tax and bigger than their ability to govern effectively. Their size was a cultural phenomenon, that is, a matter of shared habits, assumptions, practices and beliefs, rather than the product of fiscal management and bureaucratic organisation. By the later seventh century there were kingdoms in France and Spain which were actually larger than their modern counterparts. Germany developed in the same way in the tenth century. Italy was more fragmented, but even here the Lombard kingdom in the north covered roughly 175,000 square kilometres. England was a late starter in terms of state formation, beginning in the sixth century with dozens of tiny kingdoms or chieftaincies. That number was then rapidly reduced, and by the later seventh century England was dominated by one kingdom of roughly 90,000 square kilometres. The emergence of larger kingdoms in England was clearly the result of war and conquest, but it also marks the spread of Continental culture to the Anglo-Saxons, not least through the medium of bishops. Let us now turn to the interrelated areas of law, religion and political authority, for it is here that we find those cultural features which accentuated hierarchical structures throughout Europe, made magnates across Europe into mutually recognisable figures, and which encouraged association between them.

Law used to be seen as an indicator of cultural diversity, for each region had its own laws which were thought to be the codification of the customs of the different barbarian groups which had conquered the lands of Western Europe. It is now recognised that beneath the sometimes exotic customs and procedures of so-called 'barbarian law' lay a solid body of property law which was late Roman in origin. Second, the records of actual law cases show that everywhere the practice of law was pragmatic. Law courts tended to be organised as tribunals which drew upon local expertise and shared interests, as opposed to being the seats of judges who had the authority to make decisions on their own. It was the protection of property which was the focus of legal and social consensus. The similarity of the ways in which property rights were recorded, defined and protected throughout Europe is revealed by the rapid spread of *charters* throughout all regions. Charters were documents which were again of late-Roman origin. They recorded all manner of property transactions, and were increasingly used in courts as proof of ownership. Charters from the different regions of Europe may look physically very dissimilar to each other. For instance, in Croatia the first charters were written in Slavonic in the glagolitic script, and inscribed on clay tablets, whereas in England they were written in Latin on parchment in solemn uncial script, and many were copied onto the spare leaves of gospel books. It is thus striking to see how similar the contents of charters are throughout Europe, despite differences in form and even in language. They were like each other because everywhere they recorded similar property rights. Moreover, in some regions, in England or in central Germany, for instance, those rights may actually have been introduced via the dissemination of charters. The use of charters is the strongest evidence there is for the comparability of property rights across Europe, for the correspondence of the legal systems which protected those rights, and not least, for the similarity of the social structures which supported the power of elites.

The protection of property was clearly vital to those whose power was based upon it, but protection of property, and of the social order in general, was of concern to all free people. Everywhere in Western Europe a clear legal distinction between free and unfree people was fiercely maintained. This distinction was one of the most conservative features of early medieval culture, and (much to the confusion of social historians), the distinction outlived the actual social divisions in which it had had its origins. It was the desire to protect property and status which drew people to public courts, and in every region presidency of the local courts gave the representatives of the ruling authority an entry into local society. In this sense, public authority was there by demand, and that demand facilitated the building up of large territorial units. But the same demand limited the power of officials. They could not act without social support, and were typically harsh in dealing with the unfree, but often mild towards those with property. The confiscation of property was fringed with safeguards. Moreover, alongside formal legal processes, there existed an elastic body of custom and informal means of dispute settlement. Custom protected the elements of status which law could not reach, that is, honour and reputation. It was another socially conservative force in that it enshrined and protected the privileges of those with social power. The pragmatic application of law, the juxtaposition of law and custom, and the ability to work with different legal codes in a single territory, were preconditions for the existence of large states.

Throughout Europe, law and legal practice became progressively influenced by religious teachings and by the Church. The development of ordeals and oath-swearing are examples of this. The language of law-making also became more ecclesiastical in tone, and the Church's moral agenda began to be more strongly reflected in the rulers' political rhetoric. Everywhere too the Church was active in the law courts. As a major property holder without recourse to armed force, the Church became a pioneer of the protection of property rights through legal process. This activity was universal, and canon law itself was, naturally, universal in application. But the Church's part in the development of a common European culture of course went much further than this contribution to legal process and language.

From the mid-sixth century onwards the authority of the Catholic Church in Europe went virtually unchallenged, either by pagans or by dissident Christians. The simple fact that the Church was everywhere and had a common organisational structure, hierarchy, language and liturgy made it the single strongest force for cultural integration across Europe. The Church therefore had a markedly international character, despite the fact that regionally it was organised along the lines of each kingdom. It is remarkable to see how churchmen, and a few churchwomen, could move between kingdoms, and even attain positions of great influence in foreign lands. Most famous are the Irish who were prominent in Francia in the late sixth and seventh centuries, and the Anglo-Saxons who followed them into Francia and Germany in the eighth century. There were also Frankish bishops in England and Greeks in Spain and Italy, not to mention Theodore of Tarsus who became archbishop of Canterbury in 669 and his associate the abbot Hadrian, said to have been from North Africa. Mission, pilgrimage (especially to Rome) and the setting up of brotherhoods of prayer between ecclesiastical institutions in different countries all helped to reinforce the international character of early medieval Christianity.

Throughout Europe the numbers of monasteries increased steadily, and everywhere we see a pattern of local saints' cults developing within a framework of universal rules and common conventions. The cults of major international saints, such as the Apostles or prominent Roman martyrs, provided templates for the sanctification of local figures, and the writing of Saints' Lives (hagiography) was modelled upon a few highly influential texts. As in the case of charters, Saints' Lives across Europe, and indeed the Middle East, are remarkably similar to each other, even though it is possible to identify different genres of Lives and to describe significant regional variations. The common models of sanctity which developed in this period were aristocratic in inspiration and nature. Although the saintly virtues included a readiness to challenge a ruler's authority on occasion, they were, on the whole, socially conservative virtues, and those who came to be honoured as saints were overwhelmingly drawn from the nobility which now dominated the leadership of the Church. Religious prestige was another element which was added to wealth and office in the construction of high social status. If power was thus given a spiritual legitimation, it was, naturally, rulers who did most to forward this equation. The emergence of royal saints is a phenomenon so marked across Europe that many historians have suspected that royal sanctity was merely the clothing of pre-Christian forms of charisma, or even of magical powers, in more acceptable garb. Since we know next to nothing about any such pre-Christian charisma (or even if it existed), this is not an argument which can be proved. It is more sensible to place the phenomenon of royal

saints in the context of a growing association between sanctity and power. Generosity towards, and protection of, the Church were virtuous activities in which kings, and queens, could shine. In addition, the violent death to which kings were prone, either in battle or by assassination, enabled them to be constructed as martyrs.

As we have just seen, the language of ecclesiastical concern progressively coloured law-making and was subsumed into political rhetoric. Rulers thus drew upon it to reinforce their power with moral authority. Starting in seventh-century Spain, and then, later, in Francia, England and Germany we see the Church playing an increasingly important role in the actual making of kings, leading the way in developing consecration rituals in imitation of biblical precedent, and having kings publicly state their duties towards the Church. Kings everywhere also drew on the Church for practical help in government, the clergy being the most literate element in society. Government thus acquired a theocratic aspect, and that that development was Europe-wide is shown by shockwaves moving across the whole area when in the later eleventh century the Papacy eventually called on the ecclesiastical hierarchy to stop serving rulers in this way.

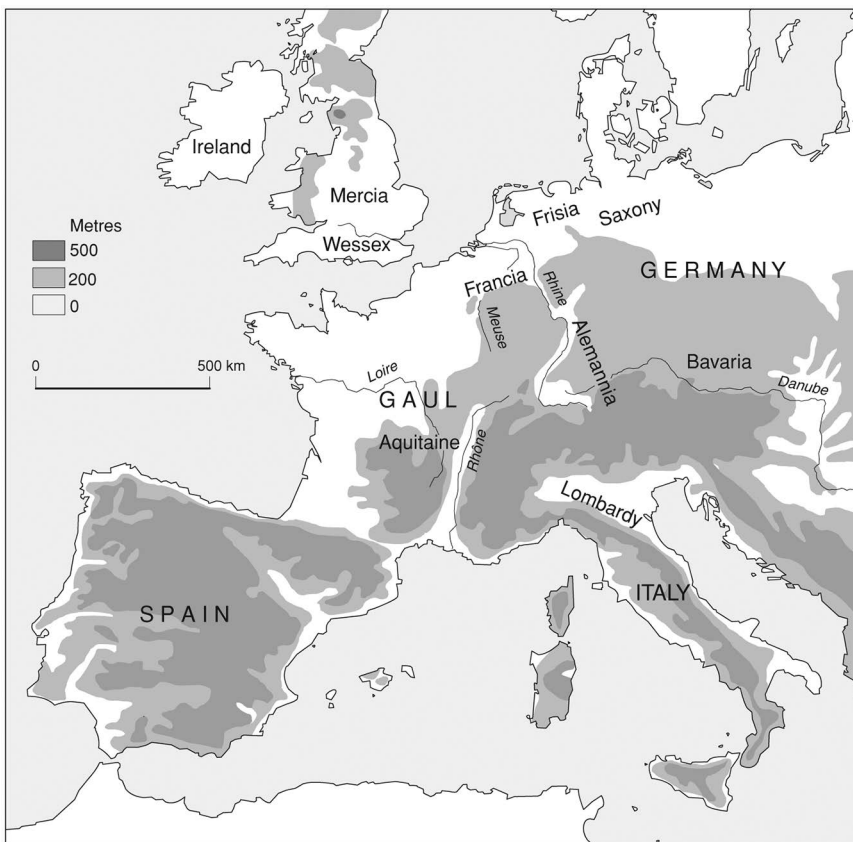


Figure 25.1 Relief map of early medieval Europe.

Ecclesiastical participation and the presence of high-status nobles were features of royal courts everywhere. The importance of occasional kingdom-wide assemblies has already been mentioned, but royal courts were a cultural focus point at all times. It was common for young nobles to spend time at court, and it is clear that this shared experience was the chief means of integrating elites of different regional, and sometimes different ethnic, backgrounds within a single kingdom. Some members of the elite also stayed at the courts of foreign rulers, as guests, ambassadors and exiles. Courts were in this way key conduits in the dissemination of ideas across the different kingdoms, especially as they were often centres of learning which attracted a wide range of scholars. In his chapter on assemblies, Timothy Reuter draws attention to the highly ritualised nature of political interaction between people whose positions and interests were not open to negotiation. His point is that the use of ritual was a safeguard against public loss of face, and it is important to remember that what drew people to rulers' courts and assemblies was the need to maintain social status and wealth. We have seen that in the early medieval period this same need drew the elite into the formation and defence of very large territorial units. One could add that here ritual served a further purpose as a shared language between people from different regions. It was in this sense analogous to that common procedure in law courts which comprehended different legal traditions. The widespread use of ritual in political contexts is the reflection of an elite culture which was socially conservative. And like law and political ideas, ritual was increasingly influenced by the Church.

So far we have seen how Europe developed a degree of cultural conformity in a context of social conservatism, and in the process built up large territorial units. We now return to the question of how valid it is to characterise European culture as a whole according to a model which is based largely on Frankish history. Not all of Europe, for instance, was organised into large territorial states. In Ireland political authority was notoriously fragmented. Perhaps in Ireland wealth was more evenly distributed and the social hierarchy too diffuse to enable a small elite to dominate the whole island. Or Ireland may have been sufficiently wealthy to support nobles and their clients in a much smaller locality. In Saxony, before the Carolingian conquest of the late eighth century, there do not seem to have been paramount leaders, that is, kings and a social elite with exclusive privileges. Likewise, in Scandinavia political authority was highly unstable before the tenth century. Perhaps Saxony and Scandinavia were too poor, especially in precious metals, to support the kind of social elite which made widespread authority possible. Nor can it be coincidental that Ireland, Saxony and Scandinavia had never formed part of the Roman Empire. In Spain, the Arab conquests after 711 destroyed the single kingdom and gave a new configuration to elite culture. Italy was never reunited after the destruction of the Ostrogothic kingdom in the mid-sixth century, and subject to competing authorities in the peninsula, the Italian elite learned to live without association on a large scale. England, as we have seen, moved in the opposite direction, from fragmentation to unity. So far it looks as if Francia was in fact the exception in building up a massive and durable state in the post-Roman period, a state through which an elite whose social exclusiveness was inherited from the Romans remained culturally and politically dominant for centuries.

But there are two good reasons for judging that the general development of European culture can indeed be seen through the eyes of the Franks. First, by virtue of the

fact that that Frankish state did last for so long, and since many of its ecclesiastical institutions survived into the modern period, it is one area which we can continuously document over centuries. This allows us to observe change over the longer term, and our observations can then be used to shed light on less well-documented areas. Second, the fact that it survived as a single large unit, not subject to invasion like Spain or Italy, meant that Francia became preeminent in Europe. We have already noted, for instance, that the Frankish king Charlemagne ruled a territory which was not far short of the old Common Market in extent. Francia thus exported its culture to neighbouring regions, including Saxony and all of Germany east of the Rhine, northern Italy, northern Spain, and, not least, England. By the end of the eleventh century, when the peoples of the Middle East came into increasing (and unwelcome) contact with West Europeans, they referred to them in general as 'Franks'. In this sense European culture had become generally 'Frankish'. Let us now turn briefly to the history of Frankish expansion, for this provides important clues about the nature of a cultural and political change in Europe which brought about the demise, albeit temporary, of the kind of large territorial units we have been looking at.

The Franks were a confederate people, and the key to Frankish history lies in their ability to assimilate other groups, beginning with the Gallo-Roman elite in the sixth century. It was because Frankish culture was based on a process of synthesis that it was able to occupy such a large space in Europe. The territory under Frankish influence was, of course, expanded by force of arms, but conquest was accompanied, and often preceded, by the acculturation of neighbours to Frankish ways. In England, elements of Frankish culture spread without conquest. Among both the Franks and their neighbours the nobility was of mixed origins, not only in terms of ethnic background, but also in terms of formation. Noble status was rarely formally defined. It could be inherited, or acquired through office and service to one of higher status, or it could simply reflect great wealth. As a consequence of this variety, the European nobility of the early middle ages was not a closed elite, especially as the dividing line between free and noble was always blurred. There were massive differences of wealth and status within this amorphous group, and, consequently, some movement within it. As we have seen, nobles struggled to maintain their wealth and status in the face of stiff competition, and it was this pressure which led them in general to cooperate in the government of large territorial units, and in particular to seek opportunities as part of an increasingly successful and powerful Frankish confederacy.

Most of those living on the periphery of Francia had always been close to the Franks in terms of language, dress and social custom. A further degree of cultural assimilation involved the adoption of Frankish religious and political organisation, in short, the acceptance of bishops and counts. With the setting-up of the Church, the strengthening of law courts, and foundation of monasteries, came charters, better defined property rights, and the restructuring of land-holding into estates based on a dependent peasantry. These were the developments which gave the emerging local nobility greater opportunities to acquire wealth, status and prestige. In the seventh and eighth centuries, right across Germany, and indeed England, we see a shift in settlement patterns which can be associated with the spread of Christianity and the development of local elites as churches were built and local leaders began to be buried in or near the church, rather than in the old communal burial areas. And sometimes the archaeological evidence can be matched with the evidence of charters

to show how the local population was grouped around the central holding or hall of the leading family to provide the income needed to maintain its pre-eminence. It became increasingly common for such settlements to be called after a member of the leading family. An example would be Poapintal, modern Pfaffhofen in the Austrian Tyrol which was named after a leader called Poapo. We are fortunate to know something about this man and his family from the charters of the monastery of Scharnitz which he founded. Although important regional variations, such as the amount of money in circulation, or local dialect, or legal code, would remain, it is nevertheless true that the cultural differences between core and periphery in the Frankish world were diminishing from the seventh century onwards. Christianisation, and a shift in settlement patterns in which estates were created and the nobility's hold over the local population was strengthened, are two of the most important elements in the 'Frankification' of peripheral regions. By the time of Charlemagne (768–814) we see one massive cultural space, with plenty of local variation, but without an obvious core – periphery structure in cultural terms.

Paradoxically, developments in the peripheral regions led in the first instance to fierce resistance to Frankish influence. That is to say, the emergence of a better resourced and organised nobility in areas such as Frisia, Alemannia and Bavaria gave them the means to resist Frankish pressure. The nobles of these regions looked to their leaders (dukes) to safeguard their wealth and status, and this in turn meant that the dukes became more aggressive towards the Franks. Conflict followed. In each case the dukes were crushed and the nobility were rapidly assimilated into the Frankish polity. In central Germany, assimilation evidently took place without conflict. This pattern of resistance, conflict, conquest and assimilation used to be explained in terms of personality and political and military history. The Merovingian dynasty which ruled the Franks up to 751 was said to have become ineffective due to the degeneracy of its members, the so-called 'do-nothing kings'. Regional leaders supposedly took this opportunity to break free of Frankish influence, and it then took the more vigorous Carolingian rulers (who replaced the Merovingians in 751) to break their power and conquer their lands. But this is a Carolingian viewpoint, and one produced by a careful rewriting of history. It obscures the crucial point that Frankish culture was expanding outwards even when the kings were doing nothing, and that it was precisely because the massive Frankish state was structurally, and culturally, so stable that it was possible for it to sail on with the lightest of touches at the helm. In fact, if the later Merovingian kings did little, this was because they were often small children. Child kingship (the product of devotion to a single blood-line) is inconceivable in any other European state at this time. But if it was the same continuing process of cultural development which led the peripheral duchies into rivalry with the Franks and then resulted in their final assimilation, it was indeed the Carolingian rulers who won the vital victories and presided over the assimilation. They were, however, finishing off what the Merovingians had begun, rather than taking over where they had failed.

It was under the first Carolingian rulers that Frankish hegemony reached its maximum extent, but it was under the last Carolingians that it began to be replaced by smaller territorial units. As in the case of the change from Merovingian to Carolingian dynasties, this political fragmentation is often put down to poor leadership and military failure, but it is better described as a later phase of that same

acculturation which had prepared the way for Frankish expansion in the first place. The Carolingians managed their empire by manipulating the existing tendency of the elite families to associate with each other. By rewarding favoured families with widely dispersed lands and offices, the Carolingians fostered what has been called an 'imperial aristocracy', that is, a select group of families which had branches across the empire. The cohesion of this massive territory lay very much in their hands. At the same time, success in warfare meant that the Carolingians could be generous and attractive lords. With nobles keen to serve them, and with increasing resources becoming available from plunder, tribute, rents and services, the Carolingian rulers attempted to strengthen their grip with a measure of reform, or 'renewal' as they put it. What 'renewal' (*renovatio*) amounted to in effect was the accentuation of those common cultural features which tended to reinforce the social hierarchy. There was much talk of justice, right, duty, moral behaviour, of the correct forms of liturgy and language, learning, sexual purity among the clergy, and of many other Church matters. The Carolingians sought to 'correct' society in order that the Franks might continue to be successful, and achieve salvation. But in each area of reform, the 'correct' way of doing things was by and large the traditional way of doing things with visible abuses removed. In addition there was a strong Romanising tendency (Charlemagne, for instance, famously had himself crowned as 'Roman Emperor' in the year 800), and this reinforced the Roman element in the European cultural heritage. One obvious example is in language and script, where the Carolingians insisted that the 'correct' form of language was the (Latin) language of the Vulgate Bible, and they also imitated the script of surviving Roman monuments. There has been much debate among historians about how effective the Carolingian reform programme actually was. In terms of language and script it clearly had a Europe-wide effect. It has indeed been argued that the Carolingians effectively arrested the development of written Latin into vernacular form by insisting on conformity with biblical language. This had the effect of making written Latin a fossilised language, and since relatively few women were educated in this language, it could never become a mother tongue, although it was spoken by a small and internationalised intellectual elite.

Over the course of the ninth century the territorial integrity of the Carolingian empire was broken down. Partition between the grandsons of Charlemagne, and the pressure of invaders (mostly Scandinavians) have traditionally been seen as the main causes of fragmentation. In the early tenth century the eastern part of Francia became the separate kingdom of Germany. In the western part authority which had been the exclusive preserve of the kings devolved into the hands of counts and bishops, and even came to rest with lesser officials. Many historians characterise this devolution, which took place in northern Spain and Italy too, as a 'crisis of authority'. West Francia in the late tenth and eleventh centuries has even been described as a collection of 'acephalous polities'. There has recently been lively debate about the nature and extent of any such crisis. But what most commentators have failed to spell out is that they are talking about a political, not a cultural, nor an economic, crisis. Far from being the nemesis of Carolingian order, a diffusion of authority was its natural development, and far from conditions being so unstable that they inhibited cultural development, they actually ushered in a particularly dynamic phase of growth.

We have seen how the expansion of the Frankish empire was accompanied by a reorganisation of landholding into estates, and how the spread of charters reveals a stabilisation of property rights. As a consequence of these developments in the countryside, there emerged a better organised nobility which exploited peasant resources more efficiently. The drawing-up of 'polyptychs', which we have already mentioned, was part of this move to manage landed resources more effectively. The overall result was a growth in economic activity. The population grew and more precious metals became available. Lords could now begin to maintain their wealth and status by exploiting resources on a local or regional basis and there was less incentive for them to cooperate in government on a massive territorial scale. But that authority which they had exercised on behalf of the king they retained in their own hands. On one level this can be seen as usurpation, but on another it can be described as acculturation, which eventually spread the rights, and duties, of rulers to the layer of nobility below that of the old magnate families which had dominated the Carolingian empire in its heyday.

The feature of devolved power which has been a particular subject of contention is the relationship between lords and their men, so-called 'vassals'. The argument is about how institutionalised lord-vassal relations became, and whether they can be described as fundamental to the socio-political structure of Western Europe in the high Middle Ages. This is not the place to enter the debate, except in the context of this chapter it is worth drawing attention to vassalage as a good example of how relationships which were originally the preserve of those of the highest status moved down the social scale as first magnates, and then other nobles, imitated the practice of kings in having followers who had sworn a special loyalty to them in a pact of mutual support and protection. Under the Merovingians these people had been called *antrustiones*. 'Vassals' was a non-royal term which replaced *antrustiones*, the latter disappearing along with the Merovingians. Not only do we see nobles establishing special relationships in this way, we also see them having strong family ties with monasteries which supplied them with bureaucratic services, which housed their ancestors and some of their living relatives, and which provided them with spiritual prestige and opportunities to exercise patronage. Again, what a select few magnates, and kings, had been doing in the seventh and eighth centuries, was becoming much more common in the ninth and tenth centuries. Counts imitated royal practice in having courts with dignitaries, which were held in fixed places, and where they presided over meetings of local nobles. We also see the emergence of the countess figure, a consort who acquired a position and duties which emulated those of the queen. The programme of renewal which the early Carolingian kings had promoted was now voiced by the Church independently. In the late tenth and eleventh centuries Church leaders, first in Aquitaine and then more widely, called on nobles to protect Church property and the weak and the poor in society. This movement, known as the 'Peace' and 'Truce' of God, has often been interpreted as the Church coming to the aid of a peasantry oppressed by a nobility rampaging out of control. More recent thinking sees it as a continuation of Carolingian ideas, 'correction' without the king, as it were.

Because the Church and the nobility took over many of the functions once exercised by kings over an extensive area, even though the territory under the control of a single ruler might shrink drastically, the cultural space which created the

early medieval states, and which they in turn reinforced, remained intact. In fact it expanded in the high Middle Ages into Scandinavia, Central Europe and Ireland, finally erasing the cultural differences between Roman and non-Roman Europe. We have seen that the fragmentation of the large kingdoms took place in a context of growing economic activity and involved a devolution of authority. The same process of growth and development paved the way for a reinvigoration of government in the central Middle Ages. Education became more widespread and rulers began to be able to rely on professional administrators and to raise the kind of revenues which would support more ambitious bureaucratic activity. The states of the early Middle Ages may have been territorially very large, but in terms of effective government they were as shallow as they were extensive. We must remember, however, that what we might term the 'large state phase' in Roman and early medieval Europe had lasted for a very long time, for nearly a millennium if we go back to Caesar's conquest of Gaul. Despite fragmentation, the memory of the spaces those states had occupied remained strong, and it was the areas under the control of the earlier kingdoms that the states of the central Middle Ages strove to recover. Later rulers might wish, like Charlemagne, to be 'fathers of Europe', but in terms of cultural and political geography Europe had already been 'made'. For West Europeans, no longer were there weaker neighbours to be assimilated and peripheral regions to be gobbled up. Government had to grow downwards in the spaces inherited from the early Middle Ages rather than outwards. It was when government began to ally with groups below the magnate class, such as urban communities and merchants, and to make use of professional administrators, that the grip of the old social hierarchy started to weaken, and the socially conservative force of European culture at last began to wane.

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CHAPTER TWENTY-SIX

THE OUTWARD LOOK

Britain and beyond in medieval Irish literature



Máire Ní Mhaonaigh

INTRODUCTION

Despite her peripheral situation, Ireland enjoyed close connections with her European neighbours throughout the Middle Ages, as has long been appreciated. Not surprisingly, the nature and extent of these contacts varied considerably over time. Evidence for trade with both Britain and the wider world is attested from earliest times (Doherty 1980: 76–85; James 1982), as is that for intercourse of a less peaceful nature. The early historic period in particular saw the Irish engaged in raiding in Britain, and the establishment of settlements in areas as far afield as western Scotland, Dyfed in Wales, and the Devon–Cornwall peninsula. It was here too, perhaps, that the Irish may first have come into contact with Christianity. In any event, it is a Briton, Patrick, who has come to be most closely associated with the Irish Christian mission, though this is due in no small measure to the success of his seventh-century biographers in presenting him as an all-converting hero (Bieler 1979: 62–167). Patrick's mission to Ireland was preceded by a Roman one, however, and in fact it was to continental Europe, as well as to Britain, that the fledgling Irish Church turned. Both areas were similarly the focus for the activities of Irish *peregrini* whose reputation as missionaries and wandering scholars in the seventh, eighth and ninth centuries is well established (Contreni 1986). Yet traffic was not all one-way; shortly after Columba laboured on Iona and Columbanus in Luxeuil, Bede informs us that Irish schools attracted English students (Colgrave and Mynors 1969: 312–13). In addition, the seventh century saw the arrival in Ireland of the writings of Isidore of Seville, together with a variety of other computistical and grammatical works, all of which had a profound influence on contemporary learning (Hillgarth 1984). Indeed, Isidore's *Etymologiae* was so revered that, according to the tale *De Fhailisíugud Tána Bó Cúailnge*, 'Concerning the revelation of *Táin Bó Cúailnge*', it was acquired in exchange for what appears to have been the sole surviving copy of the important Irish tale, *Táin Bó Cúailnge* 'The cattle-raid of Cúailnge'. To remedy matters, two learned men were dispatched to the Continent to redeem the *Táin*; before leaving Ireland, however, one of them had a vision lasting three days and three nights, during which the complete story was revealed to him (Best, Bergin, O'Brien and O'Sullivan 1954–83: 5: 1119).

While the European journey of these two fictional characters may have been rendered unnecessary, their real-life counterparts continued to travel abroad in the Viking period and beyond. The ninth-century 'Bamberg Cryptogram' indicates that a number of Irish scholars on their way to the Continent spent time at the court of Gwynedd in Wales. These may have included Sedulius Scottus who was also attached to the court of Hartgar, bishop of Liège (Kenney 1929: 553–6). In fact, it may have been in celebration of a victory gained by Hartgar that this Irish ecclesiastic wrote his poem *De strage Normannorum* 'On the defeat of the Northmen' (Carney 1985: 54–60). His kinsmen at home faced similar turbulence. As is well known, however, contact with Scandinavian invaders brought the benefits of an extensive, international trading network in its wake. Furthermore, as Irish kings sought to gain control of Viking towns, particularly Dublin, they also attempted to dominate territories in the hands of Hiberno-Scandinavians overseas (Duffy 1992). The Irish Sea, therefore, remained in the tenth and eleventh centuries the hub of all kinds of activity. While warring factions sailed hither and thither, it also provided a haven for many a political leader seeking refuge on the other side. Thus, Gruffydd ap Cynan, son of an eleventh-century ruler of Gwynedd, came to be born in Dublin and brought up in nearby Swords. In addition, when seeking to regain his patrimony in Wales, he sought the assistance of a King Murchath who has been plausibly identified as the Munster king, Muirchertach Ua Briain (Evans 1990; Duffy 1995: 395). The latter corresponded with Archbishop Anselm of Canterbury on the state of the Irish Church, just as his father, Toirdelbach, had been engaged in debate on similar issues with Anselm's predecessor, Lanfranc (Clover and Gibson 1979). Indeed, as the interest shown by both archbishops indicates, ecclesiastical contacts with England, as well as with continental Europe, were intensified in this period as clerics came ever more into contact with the reform movement whose adherents were to bring about a gradual reorganisation of the Irish Church during the twelfth century. Increased ecclesiastical contact went hand in hand with closer co-operation in the political sphere, exemplified most clearly in the appeal by Diarmait Mac Murchada to Anglo-Norman magnates for military aid. It scarcely needs rehearsing here that it was this action which indirectly led to the addition of Ireland to the otherwise vast array of English and Angevin dominions over which Henry II held sway (Flanagan 1989).

By the time Henry made his direct intervention in Irish affairs, therefore, Ireland had behind her a long history of international relations of which no more than a brief glimpse has been afforded above. No mention has been made, for example, of a large body of evidence that bears concrete witness to interaction between Ireland and the outside world. This includes the existence in Wales and south-west England of inscriptions carved on stone in the Irish ogam script, the presence of Irish manuscripts in continental monasteries, many of them founded by the Irish themselves, and a corpus of Irish 'translation literature' freely adapted from mainly Latin exemplars. Equally significant, if somewhat less tangible, are indications of close cross-Channel cooperation in the fields of calligraphy and artwork, as well as the incorporation of outside influences into vernacular writing from an early period. In the case of the latter, biblical resonances are, not surprisingly, paramount: the Tower of Babel episode, for example, lies behind the account of the invention of the Irish language in the eighth-century poets' manual, *Auraicept na nÉces* 'The

scholar's primer' (Calder 1917; Ahlqvist 1982), while scriptural law permeates the seventh- and eighth-century Old Irish law tracts (Ó Corráin 1987a). Similarly, a biblical construct informs the eleventh-century national origin-legend, *Lebor Gabála* 'The book of taking', as do the writings of Jerome, Orosius and Isidore (Carey 1994 and 2005).

The likelihood is that a large number of the authors of such texts never set foot outside Ireland but gleaned their knowledge of the wider world from books, as well as from encounters with visiting foreigners and returned exiles; the same is true of their patrons, both lay and clerical. Hence, one may well question their precise acquaintance with matters of geography and query the extent to which their perception of the wider world corresponded with reality. In truth, of course, expertise in British and European affairs varied from individual to individual, or at the very least from one centre of learning to another, and fluctuated over time. Nonetheless, some understanding of the international perspective of the medieval Irish elite may be gleaned from an examination of their portrayal of all things foreign in the rich corpus of written material which has come down to us. This is, of course, an ambitious task which must proceed piecemeal. Light has already been shed, for example, on the contacts between the Irish and one specific foreign dynasty, that of Bernicia, in one particular period, the seventh century (Moisl 1982); Dauvit Broun and Máire Herbert have similarly enhanced our understanding of Scottish-Irish relations (Broun 1999; Herbert 1999). In doing so, these scholars have rightly had recourse to a range of documents, historical, hagiographical and literary, at their disposal. My purpose here is more general: with reference to a limited number of examples from narrative literature, I shall draw attention to some of the variety of guises in which foreigners appear therein. Since the texts in question are literary, we cannot claim that their depiction of the past accurately reflects reality. Yet what they do provide is a valuable insight into how their mainly anonymous and highly privileged authors perceived that past and, more importantly, how they wished their audience to view it (see further Ní Mhaonaigh 2006). As tailor-made constructs, each narrative has its own particular textual and cultural history, knowledge of which is essential to any attempt to unravel its myriad layers. Nonetheless, the general backdrop of early medieval Ireland is one which is common to all. To enable us to set their portrayal of foreigners in a broader context, therefore, let us first briefly examine the categorisation of foreigners in a range of works.

OUTSIDER AND FOREIGNER

In a society such as that depicted in the seventh- and eighth-century Irish law tracts where the primary jurisdictional unit was the localised kingdom or *túath* beyond which the legal rights of the majority of the population did not extend, the concept of outsider enjoyed a wide application. Hence, compounds formed with *echtar*- 'outside, extern', such as *echtarchenél*, *echtarfine* and *echtarthúath*, occur frequently in the Laws to refer to any *cenél* 'race', *fine* 'kin' or *túath* other than one's own. Narrative literature provides further later examples: thus in *Echtra Nerai* 'The adventure of Nera', the famous Ulster warrior, Cú Chulainn, is obliged to challenge any warrior from an *echtarchenél* who ventured into his territory (Meyer 1889: 222, line 127). Similarly, in Cuanu's death-tale, the *echtarthúatha*

are specifically stated to be neighbouring Munster territories (O’Nolan 1912–13: 266, 271). In the same way, the related term *echtrann* ‘strange, foreign’ is used to refer to any enemy territory in the ninth-century narrative *Fled Bricrenn* ‘Bricriu’s feast’ (Henderson 1899: 10–11, line 16). Elsewhere, however, it is used with *bélre* ‘language’ to designate a specifically foreign one (Stokes and Strachan 1901–3: 1: 577; Würzburg, 12c46).

Other terms prove equally ambiguous. *Loinges* ‘banishment, exile’, for example, is used to denote the enforced exile of Connacht of Fergus and his comrades in *Táin Bó Cúailnge* (O’Rahilly 1976: 13, 136, line 404), as well as the sojourn in Albu (Britain and later Scotland) by Naíse and his brothers in *Loinges mac nUislenn* ‘The exile of the sons of Uisliu’ (Hull 1949). Similarly the roughly synonymous *indarbad* can imply banishment overseas, as befalls Conaire’s foster-brothers in *Togail Bru-idne Da Derga* ‘The destruction of Da Derga’s hostel’ (Knott 1936: 11, line 340), as well as dislocation within Ireland, as is the case in the later version of the narrative ‘The expulsion of the Déssi’ (Bergin, Best, Meyer and O’Keeffe 1907–13: 1: 15–24). In the same way, the term *deorad* ‘stranger, exile’, is frequently used in the Laws in opposition to the *aurrad*, the person of legal standing within a *túath* (Kelly 1988: 5); yet in later texts, he is equated with the foreign mercenary. Moreover, the term acquires a negative connotation in the phrase *lám deoraid*, literally ‘outlaw’s hand’, which is used on occasion to signify death (O’Rahilly 1976: 23, 145, line 738; Hull 1930b). In contrast with this, the exalted *deorad Dé*, the ‘exile of God’ or *peregrinus*, refers to one who undertakes *peregrinatio* within Ireland or without. As noted by Charles-Edwards, both types of pilgrimage are similarly within the remit of the *ailithir* ‘pilgrim’ as indicated by the ninth-century story of Liadain and Cuirithir where the latter is deemed a pilgrim both in the territory of the Déssi and overseas (Charles-Edwards 1976: 44, 53–4).

The use of these terms to denote outsiders in the broadest sense should not obscure the fact that elsewhere, particularly in the legal material, a clear distinction is drawn between the *ambue* or outsider from another Irish territory and the *cú glas*, literally ‘grey dog or wolf’, who is an exile from overseas. Furthermore, a third category, the *glasfine* ‘grey kin’ is used to refer to the son whom an Irish woman bears to a Briton, presumably, as Charles-Edwards notes, since the latter was the most common alien in the early period (Charles-Edwards 1976: 46–8). Moreover, a distinction is also sometimes drawn between various types of foreigner. According to the ninth-century text, *Scéla Cano meic Gartnán* ‘The tale of Cano son of Gartnán’, *Saxain ocus Bretain ocus fir Alban* ‘Saxons, Britons and the men of Albu’ accompanied the eponymous hero on his journey to the Munster territory of Corcu Loígde (Binchy 1963: 16, line 441). The same groups are instrumental in the acquisition of the kingship of Tara by Lugaid Mac Con if the account in *Cath Maige Mucrama* ‘The battle of Mag Mucrama’ is to be believed (O Daly 1975: 48–9). Less plausible perhaps is the claim made by the author of ‘The scholar’s primer’ to be able to differentiate between the seventy-two nations at Babel’s tower (Calder 1917: 16–19). Finally, we must remain agnostic in the face of a reference to St Patrick’s mother as a Frank (Stokes and Strachan 1901–3: 2: 309, lines 19–20); nor can we determine whether Colmán, who is described in the *Additamenta* in the Book of Armagh as having purchased a horse, was in reality a Briton (Stokes and Strachan 1901–3: 2: 240, line 2).

Assigning specific racial affiliations is one thing, understanding the precise meaning of such terms another. Nonetheless, in certain cases we can be sure that a particular term was very deliberately used. A celebrated example is found in *Críth Gablach* ‘The branched purchase’, a law text on status which has been dated to c.700 partly on historical grounds. A reference therein to a particular type of law for the expulsion of a foreign race is illustrated by reference to a specific example ‘e.g. against the Saxons’. As noted by Binchy, this recalls the invasion of Brega by Egfrid, king of the Northumbrians in 684 (Binchy 1941: xiv, 20–1). Moreover, this same event probably underlies the mention of ‘encircling Saxons’ in the early eighth-century text, *Baile Chuinn Chétchathaig* ‘The vision of Conn of the hundred battles’ (Bhreathnach 1996: 81). Similarly, the ninth-century work, *Sanas Cormaic* ‘Cormac’s glossary’, which has been attributed to the king-bishop of Munster, Cormac mac Cuilennáin, contains precise definitions of such terms as ‘Gauls’ and mentions Old Norse, as well as displaying some knowledge of English and considerably more of Welsh (Bergin, Best, Meyer and O’Keeffe 1907–13: 4; Charles-Edwards 1995: 710–11, 720–1). The author of this ‘Irish counterpart to Isidore’s *Etymologies* or *Origines*’ (Sims-Williams 1985: 99) may not, of course, have been typical. Let us look more closely, therefore, at the portrayal of foreigners in the works of others writing in the early medieval period.

CONALL CORC AND BRITAIN

In view of its relative proximity, and considering the density of traffic in both directions across the Irish Sea throughout much of the period in question, it is not surprising that Britain is the most common ‘abroad’ in the texts, and that its inhabitants are the foreigners who feature most frequently therein. Significantly, however, *Albu*, the vernacular term originally used to designate the entire island of Britain, was applied from c.900 in a more restricted sense to refer to the northern Gaelic kingdom ruled by the descendants of Cináed mac Alpín whose ancestors had migrated from the north-east of Ireland four or five centuries previously. Later still it came to be used for the kingdom of Scotland as a whole (Broun 1994; Dumville 1996). In consequence, determining the precise meaning of *Albu* in texts, the dates of which are often uncertain, is not always easy. The narrative material under discussion here centring on the important figure of Conall Corc of Cashel, ancestor of the important Munster federation of dynastic groups known as the Éoganachta, proves no exception (see Downey 2005). Nonetheless, the early date of two at least of the texts in question would point to Britain as the likely meaning of *Albu* in this case. All the more so, since Conall’s mother is named as Bolce *banbretnach*, a female satirist of the Britons (Bergin, Best, Meyer and O’Keeffe 1907–13: 3: 57; Hull 1947: 892). As an ambassador for her race, however, she is a particularly unfortunate choice. In the first place, it was Bolce who forced Conall’s father to sleep with her. Furthermore, as a female satirist, she is one of a number of women deemed legally unfit to look after a child (Kelly 1988: 85). Thus, she carelessly entrusts her new-born son to the protection of one of a number of supernatural creatures whom she used to frequent. This in turn led to the burning of Conall’s ear when he was hidden under a cauldron, as a result of which he acquired his nickname *corc* ‘red’ (Bergin, Best, Meyer and O’Keeffe 1907–13: 3: 57; Hull 1947: 892–3; Downey 2008).



Figure 26.1 Map of early medieval Ireland showing places mentioned in the text.

This account of Conall's unusual conception and birth provides him with the first essential ingredient for the creation of his standard heroic biography (Sproule 1985: 12). Mixed with this are other elements common to many a literary life, the most significant of which for our purposes is the depiction of a period spent in exile before a triumphant return to Ireland to assume the kingship. In Conall's case, it was to Albu he went to escape the unwelcome advances of the wife of King Crimthann (Bergin, Best, Meyer and O'Keeffe 1907–13: 3: 57; Hull 1947: 894, 909). Indeed such was Crimthann's jealousy of the young hero that he inscribed on Conall's shield a message in ogam script intended for Feradach, king of Albu, advising that the bearer of the shield be killed. Fortunately for Conall, however, on arrival in Albu he first encountered Gruibne, then poet and scholar to Feradach, but previously a captive of the Leinstermen whom Conall had set free. Gruibne's learning enabled him, not only to interpret the ogam, but also to alter it so that

Feradach be asked to give his daughter in marriage to the man from abroad (Hull 1941: 940–1, 943–6). The record of the king's response varies: according to one version, his daughter is immediately bestowed on Conall (Bergin, Best, Meyer and O'Keeffe 1907–13: 3: 58; Hull 1947: 895), while another suggests he grudgingly consented to her becoming Conall's wife only after the birth of their son, Cairpre Lúachra (Hull 1941: 941, 948–9).

This son, Cairpre, is nicknamed *cruithnechán* 'little Pict' in the genealogical tracts (O'Brien 1962: 195, line 22). In keeping with this is the fact that his grandfather, Feradach, is deemed to be king of the Picts, as well as king of Albu in the earliest of our texts (Bergin, Best, Meyer and O'Keeffe 1907–13: 58; Hull 1947: 894–5) which dates to the beginning of the eighth century (Byrne 1994–5: 46–9). Despite his Pictish ancestry, however, Feradach is served by an Irish poet, Gruibne, and understands ogam. Yet his Gaelicisation does not extend to his readily granting his daughter to Conall, his objection being that the latter is a hired soldier from abroad (Hull 1941: 941, 947).

Conall's status as an outsider, however, is considered less relevant in the dispute concerning recognition of his son, Cairpre, who was born to Feradach's daughter out of wedlock, according to the later version of the tale (Hull 1941: 941, 947–8). As a *cú glas* or alien, Conall should not by law play any part in the upbringing of his son. On the other hand, the responsibility for the rearing of a child born to an unmarried woman of free status without her father's consent, even if she has become pregnant voluntarily, rests with the child's father (Kelly 1988: 85–6). It is the latter situation which is alluded to in our tale since the men of Albu deliberately wait a year before demanding that Conall accept his child, during which time Cairpre develops the characteristic *finechruth*, *fineguth* and *finebés* 'family appearance', 'family voice' and 'family behaviour' which are the usual markers of paternity (Kelly 1988: 103). Furthermore, by requesting that the child be bestowed on him by his grandfather, Feradach, Conall cleverly ensures that Cairpre is in fact accepted by his maternal kin. The situation is thus normalised and Conall and Feradach's daughter finally wed.

If Irish law appears to prevail even in Albu at this juncture of the tale, elsewhere the two areas are considered very different indeed. Thus, we are told that on settlement of the above dispute, Conall remained in the east until his new wife had borne him a further three sons, after which Feradach advised him to return to his own country since his family should not remain abroad (Hull 1941: 942, 949). Moreover, the earlier version suggests that Conall only remained in Albu because of druidic incantations which caused him to forget Ireland for a period of seven years. Indeed he was promised the kingship of Albu should he renounce his native land entirely; Conall's response that it is good for a man to be in his own territory further highlights his links with home (Bergin, Best, Meyer and O'Keeffe 1907–13: 3: 58–9; Hull 1947: 895–6). In addition, Conall's 'Pictish' son, Cairpre, is deemed very much the outsider (Bergin, Best, Meyer and O'Keeffe 1907–13: 3: 59–60; Hull 1947: 898–9). As ancestor of the most western branch of the Éoganachta, the Éoganacht Locha Léin, his status as interloper is graphically underlined in the account of a dream which Óebfhind, Conall's Irish wife, experienced, during which she gave birth to four puppies which she bathed in ale, wine, water and milk. A fifth came to her from outside, however; this she bathed in blood and he gnawed at her breasts

(O'Brien 1962: 196, lines 33–9). The political import of the text is clear: the other four Éoganacht branches are legitimised to a greater or lesser degree while the Éoganacht Locha Léin are deemed usurpers (Ó Corráin 1980: 162). For our purposes, its significance lies in the fact that it is Cairpre's outside origins that lead to his exclusion from the inner circle.

As we might expect, therefore, Albu is certainly deemed a foreign land in the two texts concerning Conall Corc under consideration; nonetheless its social mores and structure have a somewhat Irish hue. Since this material was composed for an Irish audience, this should not surprise us. Nor should we be unduly concerned by the redactor's claim that the kingship of Albu was offered to Conall. As the founder of a powerful Munster dynasty, it was important that his power be perceived to have extended far and wide. Indeed even a less significant figure like his foster-father, Crimthann, who as we have seen became jealous of him, is said to have been king of Ireland and Albu in a narrative on Conall Corc and the kingdom of Cashel (Hull 1930a). Similarly, the ninth-century text 'Cormac's glossary' which preserves a memory of a period when 'great was the power of the Irish over the British [and] they divided Albu among them in districts', describes Crimthann as 'king of Ireland and Albu as far as the English channel' (Bergin, Best, Meyer, O'Keeffe 1907–13: 4: 75).

Vague memories of heroic conquests in Roman and sub-Roman Britain may conceivably be alluded to here. It is equally likely, however, that in some cases at least such exaggerated claims reflect the territorial ambitions of the rulers whose power the texts sought to endorse. In Crimthann's twelfth-century death-tale, for instance, the king's tour of his dominions leads him from Tara to Leinster, thence to Munster and Connacht, and finally to Ulster and Albu, used by this point in time in its more restricted sense. By having Crimthann take this circuitous route, his descendant, the ruling king of Connacht, for whom the text was written, may well have been laying claim to precedence over all other kings throughout the Gaelic-speaking world (Ó Corráin 1987b). We are reminded of the grandiose title *imperator Scottorum* assumed by an earlier king, Brian Boru, which was similarly designed to serve as a mark of his superiority (Broun 1999: 2; Ní Mhaonaigh 2007: 127, 133). Moreover, according to that king's heroic biography, also of twelfth-century date and written very much in the interests of his great-grandson, Muirchertach, Brian's power was such that he levied tribute on the Saxons and Britons, as well as on the men of Albu, Lennox and Argyle (Todd 1867: 136–7; Ní Mhaonaigh 1995: 374–6).

NIALL NOÍGIALlach, BRITAIN AND BEYOND

Though the background to Crimthann's death-tale may be twelfth-century Connacht, it is one of a nexus of texts focusing on Niall Noígiallach 'Niall of the nine hostages', eponymous ancestor of the famous Uí Néill federation, and thus, very much the northern counterpart of Munster's Conall Corc (see Downey 2004; Ní Mhaonaigh 2004). Indeed, as David Sproule has observed, parallels between the literary presentation of the two heroes abound. Thus, both succeed Crimthann mac Fidaig in the kingship, for example; in the same way, both are only sons of women who do not bear their fathers' other children (Sproule 1985: 16, 18). We may also note that the two mothers in question are foreign. Bolce, as we have seen, is a female

satirist from Britain; the origins of Niall's mother, Cairenn, on the other hand, are somewhat less clear. According to the poetic version of the eleventh-century text, *Echtra mac nEchach Mugmedóin* 'The adventure of the sons of Echaid Mugmedón', Niall's father, Echaid, carried her off from Albu 'after strife' and she is specifically identified as a 'slave-woman' elsewhere in the poem (Joynt 1908–10: 92–3, stanza 6a; 94–5, stanza 8). The prose version of the tale, however, describes her as black-haired Cairenn, daughter of Sgal *balb* 'the dumb', king of the Saxons (Stokes 1903: 190–1). Moreover, Niall's death-tale records his maternal grandfather's name as Sacheill (Meyer 1900–1: 88, 91). Cairenn's name, on the other hand, is a plausible representation of the Roman name, Carina (Byrne 1973: 76). Notwithstanding this, her Saxon ancestry is underlined in a poem by Gilla Mo Dutu ua Casaide (*fl.* 1147) where she appears as 'the daughter of the Saxon king of the treasures' (Best, Bergin, O'Brien and O'Sullivan 1954–83: 3: 548, line 16948), while a verse recounting the origin of the name of an Uí Néill citadel accords her the epithet *cruithnech* 'Pictish' (Gwynn 1903–35: 4: 118).

Cairenn is a literary character, of course, in the form in which we meet her, and while her origin may 'preserve traditions (albeit garbled) of Irish conquests in Britain', as Byrne suggested (Byrne 1973: 76), it also sheds light on the perceptions of her creators *vis-à-vis* their neighbouring island. Her multiform ancestry may indicate a certain vagueness on their part regarding distinctions between Briton, Saxon and Pict. Ultimately, however, her precise racial affiliation is less important than her presentation as a woman of foreign origin who is accorded a pivotal role in literary tradition as the mother of the man from whom the great Uí Néill claimed descent. Moreover, her begetting of Niall is depicted as an act of God (Joynt 1908–10: 92–3, stanza 6a) and this is in keeping with her positive portrayal elsewhere. Thus, Niall's first act as king is to release her from bondage, swearing that none shall henceforth lay tribute upon her (Joynt 1908–10: 98–9, stanzas 22–8). In addition, he takes her with him to Tara where she is clad in garments of royal purple as befits her status (Stokes 1903: 192–3). In this way, she is contrasted sharply with Mongfhinn, the wife of Niall's father, Echaid, who is 'skilled in every art of magic and sorcery' and who sought to poison her brother, Crimthann, in order that her son, Brian, might attain the kingship. Good is made to triumph over evil in the end, however; in the first place, Crimthann insists that Mongfhinn drink first from the poisoned cup, as a result of which both die. Furthermore her treachery proves ultimately futile since, as the author gleefully comments, it was Niall, not Brian, who assumed the kingship after Crimthann's death (Stokes 1903: 174–89).

The foreign slave-woman, Cairenn, therefore, is being deliberately exalted at the expense of her native free counterpart, Mongfhinn. Indeed, such was her eminence that Cináed ua hArtacáin (d. 975), one of the foremost poets of his day, could refer to the Uí Néill in general terms, as *cland meic Cairne* 'the dynasty of Cairenn's son' (Best, Bergin, O'Brien and O'Sullivan 1954–83: 3: 662, line 20148). Her non-Irish ancestry would scarcely have been viewed as an impediment by that particular scholar whose work includes verse composed in honour of the Hiberno-Scandinavian king, Amlaíb *cúarán* (Óláfr *kváran*) (Gwynn 1903–35: 1: 52–3). Her literary portrayal is such, however, as to suggest that Cináed's audience and that of his eleventh- and twelfth-century successors would likewise have had no difficulty in accepting Cairenn as the founding mother of one of Ireland's leading dynasties. Nor should we

expect them to have had. On an academic level, it was during this period that the doctrines brought together in 'The book of taking', tracing the origins of the Irish to another foreigner, Míl of Spain, were elaborated. Furthermore, in social terms, the enduring presence of Viking invaders turned settlers ensured that mixed marital alliances were an everyday reality.

Niall's mother may have been a foreigner but he is nonetheless depicted as engaging in military activities abroad. In fact, according to the compilation, *Cóir Anmann* 'Fitness of names', it is from his adventuring overseas that his nickname derived. Thus, one source ascribes his epithet to the five Irish hostages he had, one from every province, and the four 'he brought at will . . . out of Albu', while another has him venture further afield: 'Now Niall went to Letha [Brittany or Rome] and to Italy to seek a kingdom, as a result of which he was called "nine-hostaged", that is he had five Irish hostages and one from Albu, together with a Saxon one, and a British one, and a Frankish one' (Stokes 1897: 338–9). Similarly, his Saxon, Frankish and Roman hostages are also referred to in a poem by Cináed ua hArtacáin where it is further suggested that he divided *Muir Romuir* 'the Red Sea', while another poem by the same author has him journey *co hElpa* 'to the Alps' seven times (Gwynn 1903–35: 2: 14, 36). Elpa here as elsewhere, however, may have been confused with Albu; furthermore there is also uncertainty as to where precisely Niall met his death. According to his death-tale, he set out to march to the Alps but was halted at the Loire where he met a Roman envoy who submitted to him. Meanwhile his enemy, the Leinster king, Echu mac Énnai Chennselaig, had taken refuge with the king of Albu. It is at the latter's court that Niall is slain by Echu in one version of the tale, but another intimates that the Leinster ruler followed him to the Continent and killed him there (Meyer 1900–1: 85–92; Meyer 1907: 323–4). If Cináed ua hArtacáin is to be believed, however, Echu was aided by the Saxons and the murderous deed was carried out 'above the surf of the English channel' (Gwynn 1903–35: 2: 36), in which location he is supported by the eleventh-century poets, Flann Mainistrech and Gilla Cóemáin (Bergin, Best, O'Brien and O'Sullivan 1954–83: 3: 489, line 15247), as well as by a number of annalistic texts (Hennessy 1866: 19).

Once again, these varying traditions scarcely suggest detailed geographical knowledge on the part of the compilers of the individual works. Nonetheless, they do indicate that for a warrior-king of Niall's stature, expeditions overseas were considered to form an important part of a successful career. Glorious victories, therefore, are vaunted: he conquered the divided world, according to one anonymous poet (Gwynn 1903–35: 4: 118), while the ninth-century poet and bishop of Kildare, Orthanach ua Cáelláma, noted that both Ireland and Albu paid tribute to him (Bergin, Best, O'Brien and O'Sullivan 1954–83: 1: 203, line 6087). For this reason, these territories will suffer after his death. A dialogue-poem lamenting Niall's downfall and put into the mouths of his foster-father and brother, for example, warns that Saxons, bringing with them hoards of Langobards from Letha, will plunder noble Irishmen and men of Albu; both Gael and Pict will henceforth be disadvantaged (Meyer 1900: 4, stanzas 8–9).

Audiences down through the ages, and in particular Niall's descendants at whom these texts were directed, would have identified readily with such sentiments. Thus, their king too, a true successor of Niall, would be equally victorious in battle and

they, his subjects, would feel similarly protected. Moreover, in the post-Viking era the image of ambitious rulers attempting to extend their sway overseas was one which would certainly have rung true. Indeed if the dialogue-poem just referred to is of ninth-century date, as is perhaps indicated by its language, it is tempting to suggest that the Saxons and Langobards therein would readily have called the Viking foe to mind, particularly as the latter too reached Ireland from both Britain and the Continent.

VIKINGS

In any event, other texts contain detailed description of this particular group of outsiders whose impact on the Irish political stage was considerable. Not surprisingly, ninth-century chronicle references depict them as foreign, heathen hordes, a portrayal which is amply corroborated in literary sources. Most penetrating is the heart-felt cry of a monk of that period giving thanks to a stormy sea offering a safeguard against the ‘fierce warriors from Scandinavia’, and his fear is echoed in the prayer of another ecclesiastic from the monastery of Clondalkin seeking protection ‘against a flood of foreigners, foes, heathens, and tribulations’ (Ní Mhaonaigh 1998). Indeed such is the seriousness of the attacks that fleeing from Vikings is listed as an accepted reason for transgressing the rules of the Sabbath (O’Keeffe 1905: 208–9, §32). Help is at hand, however, in the form of heroic warriors such as Murchad, king of Leinster, whose ‘wounding of idolaters’ is celebrated in a number of poems (Meyer 1917: 46). In truth, however, by the time Murchad slew one of their number, Ragnall son of Ímar, towards the end of the tenth century (Mac Airt and Mac Niocaill 1983: 424–5, *s.a.* 994), the Vikings had long since settled in Ireland and become an integral part of the political scene. Already in 842, for example, Comán, abbot of Annagassan in Co. Louth, was killed by a group of Irish and Vikings working together (Mac Airt and Mac Niocaill 1983: 300–1). In addition, the Irish quickly adopted the military practices of their opponents as indicated by a reference to the midland peoples of Luigne and Gailenga plundering in 847 ‘in the manner of heathens’ (Mac Airt and Mac Niocaill 1983: 306–7). It has been suggested that such Irishmen, easily swayed by Scandinavian customs, may in fact be implied by the term *Gall-Gáidil* ‘Viking (literally ‘foreign’)-Irish’ which is used in the Annals of Ulster to describe a group of men fighting on the side of an Ua Néill king, Máel Sechnaill, in the 850s (Mac Airt and Mac Niocaill 1983: 314–15, *s.a.* 856, 857). According to what are fanciful explanations in the eleventh-century compilation, the Fragmentary Annals of Ireland, on the other hand, these were either Irishmen who had been fostered with the Norse, or heathen converts (Radner 1978: 98–9, 104–5, §§247, 260). In reality, the term may simply indicate the existence of people of mixed Hiberno-Norse ancestry. If so, and assuming that Máel Sechnaill’s *Gall-Gáidil* were young adults in the mid-ninth century, the evidence points to the formation of marital, as well as military, alliances, by the 830s.

Such alliances are reflected in the literary sources: the tenth-century poet, Cináed ua hArtacáin, composed poetry for the Hiberno-Scandinavian king, Amlaíb *cúarán*, as we have seen. Moreover, the indications are that Amlaíb was well pleased with the composition since the Irish poet received a horse in payment (Gwynn 1903–35: 1: 52–3). Other foreigners were less forthcoming, however, if an anecdote

anachronistically told of the eighth-century poet, Rumann son of Colmán, is to be believed. According to this, 'Rumann' composed a great poem for the foreigners of Dublin, a phrase which can only refer to the Hiberno-Norse inhabitants of that city, who fail to reward the poet adequately for his task. In consequence, Rumann threatened to satirise anyone who refused his request for payment and cleverly ordained that every good Viking should give him two pennies, and every bad Viking one. Not surprisingly, all proffer the higher amount for, as the text says, 'none thought it right that he should be called a bad Viking'. In turn they request that he create a praise-poem in honour of the sea though we may suspect that Rumann's second offering pleased them as little as the first since he composed it when drunk (Meyer 1900-1: 79-80). There is no sense, however, that it is their foreignness which causes the Vikings to reject Rumann's wares. Indeed the relationship between poet and patron depicted in the passage is as it might have been were both parties Irish. Furthermore, our poet appears to have had frequent dealings with Vikings, encountering seven streets full of them in a place called Cell Belaig (Meyer 1900-1: 79-80) which may be as far inland as Rahan, near Tullamore, Co. Offaly. Nor was he alone in this. At any rate, by the time of the composition of *Lebor na Cert* 'The book of rights' c. 1100, the accommodation was complete. Even if the redactor can still countenance outsiders who do not know Irish, ten of whom are included in the stipend given to one Munster king, the Scandinavians of Dublin are treated exactly like their Leinster neighbours; they too owe rent and tribute to a provincial overking (Dillon 1962: 40-1, 108-11).

Notwithstanding this, the Vikings retain something of their negative associations: the language of the *Gall-Gáidil*, for example, is termed *gic-goc* which may be onomatopoeic in origin, in the tenth-century tale, *Airec Menman Uaird meic Coisse* 'The stratagem of Urard Mac Coisse' (Bergin, Best, Meyer and O'Keeffe 1907-13: 2: 76, line 6). In addition, Guilide's daughter bemoans the poor hospitality meted out to her by King Feidlimid of Munster in the fragmentary tale, *Erchoitmed Ingine Gulidi* 'The excuse of Guilide's daughter', claiming that her miserly lot included 'Norse curds after they had been strained through the mouth of an old vessel' (Meyer 1894: 66, 69). Furthermore, St Comgall's superior piety is measured by his ability to endure a cold and hot stream better than a *gallmanach* 'foreign monk' where 'foreign' may have been equated with Scandinavian in a ninth-century context and later (Bergin, Best, Meyer and O'Keeffe 1907-13: 3: 9-10). Yet his victory was hollow when compared with that gained against the ferocious foreigners by a number of tenth-century kings, as exemplified in eleventh- and twelfth-century bombastic propaganda tracts (Todd 1867; Radner 1978). However, since the portrayal therein of a magnificent triumph over almost invincible pagan foes was designed to enhance the status of contemporary rulers who could bask in their ancestors' reflected glory, we may treat what such texts reveal of Hiberno-Scandinavian relations with caution. Even more fanciful are Vikings who resemble supernatural beings and against whom Fionn and his band of warriors regularly defend Ireland's sovereignty in the body of literature concerning him which became popular from the eleventh century onwards (Christiansen 1931). Here Lochlainn 'Scandinavia' has merged with the Otherworld and its inhabitants are awesome and mythical creatures who bear no relation to reality.

That Lochlainn could be so transformed from a concrete, albeit faraway place whence the Vikings came, to a shadowy, nebulous realm where magic and

mystery prevailed, indicates a lack of precise information concerning it on the part of the Irish learned classes (see Etchingam 2007; Ní Mhaonaigh 2006a). A similar vagueness with regard to things foreign may be implied by the application of the term *gall*, used originally to refer to an inhabitant of Gaul, to the Scandinavians from the ninth century onwards. Moreover, a substitution of one meaning for the other can occasionally be seen at work. According to the earliest version of *Tochmarc Emer* ‘The wooing of Emer’, for example, Forgall Manach, Emer’s father, goes to the court of King Conchobar where foreign messengers are visiting and requests golden treasures and *fin Gall* ‘Gaulish wine’ of the Ulster king (Meyer 1890: 442–3). In later versions of the tale, however, Forgall seeks the golden treasures of the *Finngaill* (Meyer 1901: 246), literally ‘white foreigners’, a term applied to the Norwegian as opposed to the Danish wave of Scandinavian invaders. In the same way, the *Dubgaill* ‘dark foreigners’, their Danish counterparts, make an appearance in one eleventh-century account of the origin of the Leinstermen contained in a collection of place-name lore. Here, the *Laigin* ‘Leinstermen’ are so called from the *laigin* ‘broadheaded spears’ which the *Dubgaill* brought with them out of the lands of the foreigners (Stokes 1894: 299–300). The tenth-century prose tale, *Orcun Denna Ríg* ‘The destruction of Dind Ríg’, on the other hand, recounts that these spears were in the hands of the many *gaill* which Labraid Móen, the ancestor of the Leinstermen, brought back with him having gained a realm which extended as far as the English Channel (Stokes 1901: 8). Significantly, the term *gall* undergoes another metamorphosis in the late twelfth century and later when it comes to be applied to the ‘new foreigners’, the Anglo-Normans.

CONCLUSION

The shift in meaning of this term is in a sense symptomatic of the ever-changing nature of Irish–international relations in the early medieval period. In any account of such relations, historical documents must quite rightly be accorded pride of place. Literary texts too, however, have their part to play in charting how the medieval Irish elite viewed outsiders and, in particular, how their perception evolved over time as contacts with foreign peoples changed. While scarcely to be taken at face value – any more than the often prosaic accounts provided by an annalist or genealogist should be read with an uncritical eye – these narratives provide important indicators as to how, and more especially why, external elements were cleverly accommodated in the Irish scheme of things. This process was, of course, a complex one of which the narratives chosen here for discussion provide no more than a brief glimpse. It is from an analysis of many such brief glimpses, however, that we may come to understand more fully the medieval Irish outward look.

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CHAPTER TWENTY-SEVEN

POWERFUL WOMEN IN THE EARLY MIDDLE AGES

Queens and abbesses



Pauline Stafford

TENTH-CENTURY EUROPE AND SEVENTH-CENTURY ENGLAND: PARALLELS AND CONTRASTS

In 999, on the eve of the first millennium, a mother and daughter died: the dowager Empress Adelaide and her daughter Mathilda, abbess of Quedlinburg in Saxony. The chronicler of the nunnery of Quedlinburg recorded their deaths with a great panegyric praising them and their rule. The pope had died in the same year, and the emperor, stated the chronicler, was more affected by grief than could be believed. The three pillars of the Church had gone – the apostolic lord, the empress, and the imperial abbess. This celebration of powerful women is not the familiar picture of Europe at the end of the first millennium, but it is not a misleading one. A group of women played key roles in the last decades of the tenth century: Adelaide's daughter-in-law, Empress Theophano, wife and widow of Emperor Otto II and mother of his only and infant son, Otto III; Adelaide's own daughter from her first marriage, Emma queen of the West Franks, wife and widow of Adelaide's own nephew King Lothar; Beatrice, duchess of Lotharingia, Adelaide's niece; that same Beatrice's sister-in-law, Adelaide's namesake, the wife of Hugh Capet, another of Adelaide's nephews; Mathilda of Burgundy, Adelaide's sister-in-law, mother of the wife of Hugh Capet's son. In 986, much of north-western Europe was ruled by the women members of this extended family. They ruled as regents for under-age males. They and their female relatives seem even to have met together in 985 to debate and mediate the important questions of succession and dynastic interrelations which dominated the politics of the day. Adelaide, widow of Otto I and mother and grandmother of Otto II and Otto III respectively, and Mathilda, her daughter by Otto, were part of what was in every sense apparently a regiment of powerful women.

To call them powerful, however, raises problems. They certainly engaged in activities which denote the powerful in the early Middle Ages: presiding over legal cases or receiving the oaths of great men; granting land and witnessing grants of it made by others; appealed to for aid, and playing a part in the distribution of patronage, including of ecclesiastical office. But their power differed in some respects from that of their male relatives. With the exception of Mathilda, in her special position as

abbess, none of these women ruled in her own right, as a female king. Nor was their position as secure as that of a male ruler, though the latter's security should not be overplayed. As regents, these women held positions which were transient by definition: as queen or empress, they lacked the uniqueness which by now marked out the king. There could be only one king; only after his death or deposition could another legitimately be chosen. Queens and empresses, on the other hand, could be duplicated. The death of king or emperor could leave a dowager to rival the new ruler's wife. These differences are important. But they should not obscure the fact that these women's activities show their ability to participate in events, with the opportunities to influence those events and to have a strategy of their own towards them – all of which amounts to power (Stafford 1997). They do, however, signal the need for special attention to the nature and sources, including the gendered nature and sources, of that power.

The power which these women exercised was royal, noble and religious, but they acquired it through family roles and held it through offices or positions which were female if not feminine. They were widows and wives, mother and daughters, cousins, aunt and nieces: linked to each other and to the male rulers of their day in a web of kindred and affinity (Leyser 1979). They were empresses, queens, duchesses (or, more correctly, the wives of dukes) and abbess. There were unique tenth-century circumstances which worked together to produce this extraordinary concentration of powerful women at the end of the first millennium. That very concentration became in itself significant. They reinforced each other, not just with help and contacts, but also ideologically: their very numbers normalised female power, making it thinkable and acceptable. But there are also themes and similarities which make them typical of powerful women throughout early medieval Europe, if not beyond that place and period.

In many ways later seventh-century England offers a parallel, illuminating the importance both of common factors and of distinctive circumstances. In 664 at Whitby in the kingdom of Deira (roughly equivalent to modern Yorkshire), a great meeting took place at which the future of Christianity in England was decided. In the presence of King Oswiu, ruler of Deira and Bernicia, i.e. of the Northumbrians, and overlord of much of what is now England, the rival merits and claims of Celtic and Roman Christianity were debated: the Roman champions won. Hosting that debate, and participating in it on the side of Celtic Christianity, was Abbess Hild, ruler of the religious community at Whitby. Hild was the niece of one of Oswiu's predecessors, King Edwin, and thus a cousin of Oswiu's wife, Eanflæd. The house she headed was a double house of monks and nuns. And Hild's Whitby, like Mathilda's Quedlinburg, was a dynastic centre and mausoleum. Oswiu's daughter Ælfflæd was already at Whitby under Hild's guidance; Eanflæd, Ælfflæd's mother, Oswiu's widow, Hild's cousin, would later join her. King Edwin was buried there, as Oswiu was to be later. Hild and Ælfflæd and Eanflæd had the sort of network of female relatives scattered through the kingdoms of the English which Adelaide and Mathilda could boast. Osthryth, queen of the Mercians, was Ælfflæd's sister or half-sister; Æthelthryth, abbess of Ely, was Ælfflæd's sister-in-law, and her own blood sister, Sexburh, was wife and mother of kings of Kent. Hild's sister was wife of Æthelthryth's and Sexburh's brother, king of the East Angles, and mother of his successor. The most intrepid genealogist would find such webs of kinship daunting, but they are the stuff out of which concentrations of women's power were woven.

In many ways seventh-century England parallels late tenth-century Europe. In the latter, Europe's emerging kingdoms were knit together by marriages which produced a network of ruling women, linked through an imperial family with pretensions to rule the whole. Seventh-century England was not a kingdom, but a series of kingdoms, also held together in an overlordship often expressed and cemented through marriage. Conversion in England was a recent phenomenon, as it was in Saxony, the heartland of the tenth-century imperial family. In both cases conversion had fostered a monasticism which came together with the family structures of the day to produce female houses, or in England double houses under female headship. Mathilda and Hild are recognisable results of similar situations. But there are differences as well as similarities. There was apparently no seventh-century English Adelaide, nor even an Emma or Beatrice: no female regents, no women ruling alongside sons or, as Adelaide did, acting as regents for them in distant territories. The power of these English women seems much less than that of their late tenth-century successors. Rather it is different women whose activity if not power is stressed: abbesses, not wives and mothers. There are occasional comments on the latter's intercession, or on their evil influence. There are events which may hint at an importance never fully described. Osthryth, queen of the Mercians, was murdered by her husband's followers. Her murder is an indication of the vulnerability of women in a political system which exchanged them in marriage, but it also raises questions about the significance of a woman who must be so brutally despatched. These are questions sharpened by the possibility that the differences between these periods are as much of sources as of substance.

The panegyric of Adelaide and Mathilda was written at Quedlinburg, in a nunnery where Mathilda had been abbess and Adelaide had often visited; it may even have been written by a woman (Althoff 1991). Women, even the powerful women, of the early middle ages were mostly chronicled by men, often by men in all-male monastic communities. This certainly does not produce a uniformly hostile picture – Adelaide herself was the subject of an adulatory life composed by Odilo abbot of Cluny – though it does raise questions of perspective and interpretation. Almost all that we know about Hild, Eanflæd or Osthryth is what Bede, monk of Monkwearmouth and Jarrow and author of the *Ecclesiastical History of the Gens Anglorum*, chose to tell us. There may be Whitby sources behind him, but they have been lost. In the late tenth century, charters, letters and chronicles from elsewhere in Europe bear out the importance of powerful women, and add details to the picture of them. Bede stands almost alone; and, worryingly, where other sources have survived, they show his picture as partial. For Bede, Hild was a holy woman, mother of a religious community where a string of bishops were trained under her aegis. Yet Bishop Wilfrid's biographer, Stephen of Ripon, shows her deeply involved in questions of episcopal appointment, and thus in matters of secular as well as ecclesiastical politics. It is Stephen, not Bede, who reveals Ælflæd's importance in the negotiation of the succession to the Northumbrian throne, and in the deliberations of kings and churchmen which decided the fate of Bishop Wilfrid. If the Quedlinburg chronicler raises doubts about exaggeration, Bede raises even more serious ones about studied silence. Bede's purposes did not lead him to comment on the intra-family politics which resulted from the intermarriages and serial monogamy of his kings. Such tensions and divisions had little place in the salvation history he was writing. Even



Figure 27.1 Queen Emma and her sons Harthacnut and Edward. Frontispiece of the *Encomium of Queen Emma*, written for the queen by a Flemish monk in 1041/2.
© British Library Addit. MS 32241, fo. iv.

his picture of abbesses is affected by his desire to paint a heroic Golden Age to contrast with his own day. His selectively remembered past had little place for the this-worldly powers of such women. Bede is a reminder that our picture of powerful women in the early Middle Ages may not simply be distorted by misogyny or stereotyping; a more serious problem is that posed by agendas which simply excluded the circumstances and politics in which women played a part.

The power of some women in seventh-century England may have been greater than we can now recover; the parallels suggest a need to allow for this. At the same

time it is possible that the contrasts lie deeper than the sources. The structures which delivered power to women contained a range of possibilities which specific circumstances could variously unlock for different individuals.

STRUCTURES: KINSHIP, HOUSEHOLD AND LIFECYCLE

All these women owed their position to a greater or lesser extent to family: to birth, marriage or motherhood. They were daughters, wives and mothers. 'Family', however, is not a transhistorical constant, identical in all times and places. In the early Middle Ages kinship was among the most important social bonds. In much, though not all, of Europe, kinship was cognatic as much as agnatic: i.e. both mother's and father's kin were important for any individual, though not necessarily in the same ways. Kinship was counted not merely through a single or central male line, but through a branching and ramifying tree at whose centre stood a group of siblings who alone shared common kin. (See Stafford 1998 for this – and also for the question of whether it changed *c.* AD 1000.) Daughters had lesser claims than sons, but they were not negligible, having claims on their family of birth which could extend to inheritance itself. A wife joined a new family, and in some ways gained a new identity, at marriage, but she did not lose these ties with and claims on her natal kin. Rather she and her children linked kingroups together, and marriage was central to many types of alliance. The exchange of women in marriage created or cemented ties, with the woman herself functioning in some ways as a gift. Like all gifts, she represented the giver to the receiver, acting as a constant reminder of friendship – or enmity. An honoured embodiment of alliance, she was also potentially a hostage or spy; her own meaning could change along with shifts in the relationship of giver and receiver. Gifts can turn to poison; indeed the two are not as clearly differentiated as at first sight appears (Bailey 1971).

The implications of all this for women were various. It could be a source of security and power. Adelaide's Burgundian origins remained significant throughout her career, whether to husband, son or grandson. Yet the claims which secured her could also make daughters potentially threatening to their natal families. One reason for directing a king's daughter or female kin into a nunnery was to store the claims they carried in safety: hence Ælfflæd's presence at Whitby or Mathilda's at Quedlinburg. A daughter who represented her natal family was a form of human treasure and how she was given or taken was crucial. In the sixth century, Radegund, daughter of a Thuringian ruler, was taken as part of the booty, and the humiliation, of her family by the Frankish king Clothar. A daughter might be freely given, as King Oswiu gave Osthryth to the king of the Mercians, to bind peace and as a gage of future friendship; but her marriage could later acquire new meaning, as Osthryth found when the fragile concord between her Mercian husband and her Northumbrian kin broke.

Daughters readily appear as pawns and victims of such marriage politics, and they can certainly be placed in danger by them. But it would be wrong to see their position within such kinship structures and the claims this gave them as simply rendering them passive and powerless. Early medieval abbesses, and the great nunneries over which Hild, Ælfflæd and Mathilda ruled, owed much of their significance to the fact that these women were royal daughters – a status which neither they nor others ever forgot. Mathilda of Quedlinburg was the daughter of a king and emperor; the



Figure 27.2 The Virgin Mary as ruler and intercessor. The figure of the Virgin is probably influenced by representations of Byzantine empresses, and could reflect the appearance of the Empress Theophanu herself. Reichenau, c.970–980. Bildarchiv Foto Marburg.

Quedlinburg chronicler stressed that fact. Her acceptability as regent in the 990s certainly derived from her birth. Her nieces, abbesses Sophia and Adelaide, daughters of Otto II, were among the first people whom the new emperor Henry II felt it necessary to visit. Henry's rival was unwise enough to slight them: it cost him his life. Nor was it only religious women who benefited from the daughter's continued identification with her natal family. The continued claims of a daughter on her family of birth, even after marriage, gave wives a dual identity. When a man married, he did not simply or primarily choose a bride, but a family of in-laws. The latter's attractions rather than the woman's determined his choice: and also affected her continuing importance if not survival (Strathern 1972). The position of 'women-in-between' was fraught with danger but also full of potential. If Ostthryth's was the face of victimhood, Adelaide's was that of power. Adelaide was married first to Lothar of Italy, in a double marriage in which Lothar's father Hugh married Adelaide's mother Bertha, the widow of the king of Burgundy. Adelaide's Burgundian brother Conrad

remained a critical ally for Saxon kings like her second husband Otto I, especially in his rule of Italy. Conrad was a bolstering presence in the background of Adelaide's long career. Even in her long widowhood he was an ally and a refuge.

At marriage, a daughter became a wife. This role was marked first by the dual identity of an in-marrying woman who was never completely confounded with her husband and his kin. She was a foreigner or outsider, not only to his family but also to those whom he ruled: she and her followers were easily scapegoated. Osthryth's sister had married an earlier ruler in Midland England. The marriage had been part of an alliance between her Northumbrian father and his new son-in-law in which her husband also accepted Christianity. She was later suspected of involvement in his murder, which occurred during the Easter festivities. The story tells of Mercian resistance to an alliance which could be seen as domination, and to the foreign religion and woman who represented both. And it speaks of the perception of such an imperfectly assimilated outsider as dangerous, and of her vulnerability to suspicion and accusation. But once again, her dual identity could enhance a queen's position as well as place her in danger. The queen might have her own household, which could be a source of followers loyal to her. Bishop Wilfrid began his career in a queen's household. The queen and her household, however, could not be entirely separate from the king. As a comer-in, sometimes from a rival family or remote area, her presence at court helped bind other loyalties to her husband; she and her household could allow some recognition of those other allegiances while drawing them closer to her husband. She had a potential role in the network of personal ties which held early medieval kingdoms together. Seventh-century English queens, of whom Bede tells us so little, may have functioned in this way (Charles-Edwards 1989).

The potential and expectations of the queen's position as wife were not derived solely from her ambiguous dual identity: the nature of marriage itself was one of the bedrocks on which they were built. Marriage, as distinct from other sexual relationships, was a public affair, marked by formal procedures of betrothal and by the property arrangements of dowry and dower which secured the bride's future. By the tenth century Christian marriage was the norm, at least at the social level of the royal family. Its rituals and liturgy stressed reproduction as the major aim of marriage, and called upon the wife to be faithful, chaste and blameless. This first aim was a central concern of all families in marriage and not merely a Christian one. Throughout the period, failure to produce children was the greatest threat to a queen's survival. Æthelthryth became abbess of Ely and, in Bede's view, saintly: two infertile marriages as much as religious vocation had determined her choice. The rites also emphasised that it was an indissoluble union, of two in one flesh, which marriage created. This was a more specifically Christian concern (Duby 1984). Æthelthryth, in the earliest stages of Christian conversion, enjoyed none of the security such ideas preached. By the tenth and eleventh centuries divorce and repudiation of royal wives was still possible, but becoming more difficult. The ideology of Christian marriage might now combine with political circumstances to make individual queens more secure. The ideology, the politics and the security encouraged more formal development of another aspect of marriage, the notion of partnership. It would be foolish to translate the marriage union into equality, which it manifestly was not. But the liturgy articulated ideas of partnership, of 'consortship' in life and thus in the case of king and queen in rule. During the tenth century such ideas were developed as

the earlier notion of the queen or empress as ‘consors regni’, sharer in rule, became a common way of thinking about the position of the queen. These ideas had their own wider basis in the queen/wife’s role in the household, which was essential to her husband (Erkens 1993).

The royal household was central to royal rule. People travelled to it from remote parts of the kingdom, and the household in turn travelled to them. It was the place where counsel was taken and patronage dispensed, where the king himself appeared in his dignified and also in his approachable faces. Its permanent or semi-permanent members shared in the process of ruling. It might be the place where young men came to serve; it was certainly where loyalties were won and confirmed. In some ways it could symbolise the kingdom itself, and its good management mirrored rule of that kingdom. Wives who were mistresses here could partake in much of this. Power through the household may have varied from time to time, but the queen’s importance here was something of a constant. She might have her own household, sometimes distinct from, sometimes absorbed in, that of the larger royal one. Already, in seventh-century England, Bishop Wilfrid began his rise in the queen’s household. The sources offer only infrequent glimpses of the household and its workings, and the queen’s role there is often seen only in the negative form of criticism. In the tenth century, Emma of France was criticised for a too intimate relationship with a great bishop at court. The allegations echoed those hurled against Judith, wife of the Carolingian Louis the Pious, and Richardis, wife of Charles the Fat, more than a century earlier. These accusations undermined not only a queen’s claims to power, but also those of her son – by casting doubt on his paternity – and of her husband, whose rule was impugned by suspicions of a feebleness at its heart. Their very form underlines the source of the queen’s power here, and its vulnerability. They draw their strength precisely from the recognised and accepted roles of queen/ wife in the household, from the fact that this was the place where a woman’s influence could legitimately be exercised and her own alliances formed. Yet they are also fed by doubts about all power which derives from intimacy, not least sexual intimacy.

Marriage made a woman mistress of the household, and, potentially, a widow. The property arrangements which marked a marriage included provision, in the form of dower, for a woman after her husband’s death. Insistence on such provision is another sign of her natal family’s continuing concern for her fate, and of its precariousness. Dower also signified that a widow in some ways continued her husband’s identity after death, an idea perhaps reinforced by Christian views of the indissolubility of their union; a widow’s claim on her husband’s lands thus extended his. Small wonder, then, that widows, who carried claims from their families of birth and marriage, could be even more desirable than virgins as marriage partners. Adelaide was not long left a widow after Lothar’s death. Again, however, the situation of widowhood was one of precarious vulnerability as well as possible empowerment. A widowed queen might be at risk after her husband’s death, sometimes from his male kin, even more so if there was a change of dynasty. When King Edwin of Northumbria died, Northumbria split again into Deira and Bernicia, the former passing to his cousin, the latter to a son of a former king of a rival dynasty, Æthelfrith. Neither man was a son of Eanflæd, Edwin’s widow, and neither was a Christian. Eanflæd, the Kentish woman whose marriage had symbolised Edwin’s conversion, had to flee with her children to her brother in Kent to find safety. The death of her

first husband left even Adelaide prey to other claimants to the throne, among them her future husband Otto.

Yet Adelaide's claims as the widow of an Italian king, whether to land or loyalty, were precisely what made her an attractive match, and opened up the most successful stages of her career. They were one of the bases of her own regency.

Adelaide's acceptability was rooted also in motherhood, and most, though not all, female regents were mothers. That the widow/mother was in some sense a continuation of her husband may have helped her case, but so too did motherhood, which incorporated the wife fully as part of her son's (if not her husband's) family, and seemed to unite her interests with his. This could, of course, produce tensions between expected loyalties to husband and child. The serial marriage practices of the early Middle Ages might mean that a woman's husband was not also the father of her son, or that a queen was stepmother of her husband's older children. Adelaide was delivered from some of the difficult consequences of her stepmotherhood when Otto I's older son Liudolf died prematurely. Liudolf's earlier rebellion, sparked by the birth of Adelaide's own eldest child, indicates the sort of problem which might have festered. Judith, second wife of Louis the Pious, inevitably supported her own son's claim to a share in the inheritance: her interests here could not be identical with those of a husband who had sons by an earlier marriage. Stepmotherhood's evil face appeared particularly strongly by contrast with the overwhelmingly positive ideal of motherhood itself. That latter image was one applied to female rulers of all types, whether regents or abbesses. Its dual nature legitimated female rule: motherhood meant nurture and authority. Mothers had claims to care for their children, which could extend to their inheritance, and thus to regency itself.

Yet female regency was far from a universal phenomenon in the early Middle Ages, and cannot be taken for granted (Wolf 1991). Regency itself is not inevitable. It springs from the fact of underage or absent kings, who may in themselves be intolerable or unnecessary. An emphasis on warrior kingship or fear of potential instability may require an adult male ruler. Norms of succession and inheritance might mean that brothers and uncles, if not a wider pool of male candidates, were strong contenders making the rule of an underage heir unnecessary or even difficult to argue for. Co-rule or underkingship could resolve problems of royal absence. On all of these counts, seventh-century England was unlikely to produce regency for young kings. In contrast, in tenth-century Europe there was a growing acceptance of direct succession to royal inheritance from father to son. In some cases acute fears of a rival dynasty made a desire to underline hereditary succession a family's most important aim. Even where circumstances were such as to encourage or allow regency, however, female regency might be unthinkable. Motherhood's strengths could be outweighed by female gender's incapacity. As a charter from the Imperial chancery not long after the year 1000 put it, 'there is one thing in a man, which makes him as a man strong enough to rule, another in a woman, which makes her as a woman ruled'. Children's adult male relatives shared a mother's claims to care for them, and the association of masculinity and rule strengthened them in their bid for regency: both Henry of Bavaria and Lothar of France were possible protectors of the infant Otto III in 983. But Henry, if not Lothar, was also Otto's rival for the throne. In these circumstances the child's mother and grandmother, neither of whom could claim the throne in her own right, were preferred regents.



Figure 27.3a and 27.3b (detail). Processional cross from the Treasury of the Minster at Essen, showing Abbess Matilda and her brother Duke Otto, children of Otto I's son Liudolf. The iconography could suggest a joint gift, 973–980. Bildarchiv Foto Marburg.

The fact that Mathilda of Quedlinburg was the third member of the trio of women who returned to take over the protection of Otto in 983 seems to underline the extent to which it was the very restrictions on women as claimants which secured regency for them. As sister of the previous ruler and aunt of the young boy she was an unusual choice; aunts and sisters might have sons of their own to promote. It was her status as a celibate abbess which overcame any such objection. What we might choose to see as the limitation on her own life was what made her acceptable: the power of women derived paradoxically from their own restricted access to power. But this is only part of the story. The power of women was at this point peculiarly acceptable as a result of developments and traditions built up over previous decades and of their particular combination in the women

candidates in the 980s. Developments in France, where wives had stood in for or beside beleaguered husbands, or in the rule of Italy, where Adelaide had been so important, were producing a tradition of female rule. Conversion in Saxony had contributed to that tradition by producing family nunneries under female heads of whom Mathilda is only the most outstanding example. Circumstances had allowed the exploitation of the positive aspects of the structures I have been outlining. Some of this tradition had been incorporated in the development of the female offices these women held.

OFFICE: QUEEN, EMPRESS AND ABBESS

Adelaide had been queen and empress, Mathilda was an abbess. Women are called 'queens' (*reginae*) or 'abbesses' throughout the period, though 'empress' is confined to the period after 800 when a Western empire had been revived. The meanings of these titles are far from clear, and may not have remained constant across time and place. They suggest offices, in the sense of highly specialised and clearly defined roles and expectations. Were these roles still family ones, writ large and formalised: 'Queen' as 'Wife' and 'Mother'? Or did they distance women from these? Supplement them? Did 'queen', 'empress' or 'abbess' make a woman 'royal' or 'religious' as much as 'wife', 'mother', 'daughter' or 'woman'? Did they make a woman the equivalent of 'king', 'emperor' or 'abbot', masculinising or even degendering her? These are important questions, on which more research is needed. To offer even provisional answers to them, it is necessary to look more closely at the period between the seventh and tenth centuries.

Throughout this period a queen had to be a king's wife. Not only was this a job description, it was the entry qualification, and sometimes 'queen' and 'wife' seem to have been synonymous. When the term *regina* was used in sixth- or seventh-century Merovingian Francia it appears to denote a king's wife. The Merovingians distinguished queens and concubines: a queen was a fully married wife, with all that that meant in terms of the formal joining of two families, property arrangements and public knowledge to protect her and her children's claims. There could, however, be wives who were not queens. In ninth-century Wessex, for example, Asser tells us that the king's wife was not called 'queen'. The explicit contrast is with contemporary Francia, where in 856 a West Saxon king had married a Frankish princess, and the latter had been raised as queen in the first known queenly consecration. But there is an implicit contrast with Wessex's northern neighbour, Mercia. Both suggest that already, in some dynasties if not all, a queen was something more than just a king's wife. It is uncertain what exactly distinguished the two, whether any formal inauguration ceremonies separate from marriage itself were involved, whether there was any developed notion of queenly office. Nor can we be sure whether seventh-century England, or sixth-century Francia, made such distinctions, and set apart certain royal wives through them.

From the mid-eighth century the inauguration rituals of kingship become much clearer, and with them those of queenship (Elze 1960; Nelson 1988 and 1997). The women of the late tenth century were the beneficiaries of these rapid developments during the ninth and tenth centuries, in the Carolingian and post-Carolingian world. The supplanting of the Merovingians by the Carolingians in the

750s fostered a tradition of royal anointing. Whatever part the clergy had played in earlier royal inaugurations, their role now became more central. The political and ecclesiastical developments of the ninth century encouraged bishops such as Hincmar of Rheims to think hard about the office of kingship. The fruit of their thinking was enshrined in inauguration rituals, among them the earliest known ritual for the making of a queen, that used in 856 for Judith, granddaughter and namesake of the wife of Louis the Pious. However a queen had been made before, she had probably never been anointed as well as crowned. This became regular practice in France in the late ninth and tenth centuries. As in the 750s, dynastic changes and rivalries made pressing the need to stress the royalty of queen and king, and of their offspring. Charlemagne's revival of empire in AD 800 opened again the possibility of empresses as well as emperors in the West. Louis the Pious' first wife, Irmingard, was crowned in 816. There were women who bore imperial titles, such as 'augusta', throughout the ninth and tenth centuries, but the history of empress-making is obscure. The title of 'emperor' was sought in late ninth- and tenth-century Italy in the midst of dynastic rivalries parallel to those in contemporary France. A parallel development of empress-making rituals in this context is likely. In 962 Adelaide was probably not only crowned but anointed alongside her husband Otto I.

The rituals for the making of a queen or empress, and the circumstances in which they developed, are an important guide to ideas about these roles. The strong connection between dynastic change and the clearer definition of queenship underlines the extent to which a queen was first a wife and mother. A change of dynasty required an affirmation of the new family's right to rule; not only the new king, but also his partner and the mother of his sons had to be recognised as royal. But the rituals also developed in the context of intellectual movements deeply concerned with the definition of office and its duties. The rites themselves do not merely write 'wife' and 'mother' large. They reveal notions of queenship as office, and the relationship of that office to the king's royalty. One of the earliest rites was that for the anointing of Ermentrude in 866, which was concerned in part for her fertility. But it also stressed that she was crowned with justice, hardly necessary to the production of children. By the tenth century different rites stressed the queen's role in the promotion of the faith and the subjugation of heresy, and her partnership in rule with the king. These rituals did not grow primarily out of marriage and its rites. One central prayer, for example, was adapted from that for the making of an abbess, the one woman who could undoubtedly be said to rule. The borrowings from the king's rite to queen's and vice versa underline the extent to which both king and queen were seen to share a regality which set them apart. Above all, both king and queen were anointed, and on the head. Like priests and bishops, also anointed at their inauguration, they were going through a momentous status change. In some cases the queen prostrated herself at the beginning of the rite, a ritual which set aside the 'old' woman, and prepared her to become a new one. If the early Middle Ages saw the development of kingship as office, it also witnessed a parallel, if more faltering, definition of queenship.

Queenship was, however, fraught with ambiguity. The king remained a crowned father, warrior and judge; the queen *a fortiori* was a crowned and anointed wife if not mother, strongly gendered roles which lacked the potential to become a female

king. The symbols which the queen received did not include the king's sword, sceptre or rod. She was not a warrior nor yet a judge. When Adelaide presided over judgments it is not clear whether she did so as an empress or as a regent, exercising the king's authority by proxy. The queen's partnership in rule could readily be conceived in terms of the marital partnership of husband and wife: the queen was *conlaterana regis*, 'she who is by the king's side'. There were those who argued that that was all she should be; such arguments seem to have been mounted concerning the consecration of the English queen, Ælfthryth, in 973 (Stafford 1997). Yet the need to argue in this way suggests that 'queen' could be seen to be more. In the tenth century the description '*consors regni*' could describe the partnership of husband and wife, but it had originally been used of men who shared imperial rule. If nothing more, the growing delineation of the queen's office contained possibilities which could be capitalised on, most spectacularly by the group of ruling women of the late tenth century. Yet the differences between that office and the king's were already sufficiently clear to set boundaries to queenship.

One of those ruling women of the late tenth century was not a queen or empress, but an abbess. If the history of queenship suggests development and definition, the office of abbess was clearer from the beginning. Already by the seventh century she was a ruler of a community. If the earliest rites for the making of a queen already suggest her difference from the king, those for the making of abbot and abbess already stress their close identity. Prayers used in the making of an abbess were often identical to those used for an abbot: only the gender of the pronoun changed. In the fully fledged rituals of the tenth century, the infirmity of the female sex was stressed; but this was more than balanced by the office (*ministerium*) which the abbess was given. If the references to chastity and the castigation of the body seem redolent of woman's frailty, they need to be compared with the parallel injunction on the abbot to remain chaste and to fast.

Abbesses were women, and some of their powers had the same gendered origins and were legitimated in the same ways as those of the queen: they ruled households and were referred to as mothers of their communities. But their position in the church hierarchy meant that they were more clearly separated from family roles than were queens or empresses. In the Carolingian period they owed military service and, like Hild, might be teachers (Nelson 1983 and 1990). There can be no doubt that the status of their families in the world was critical to the prominence of early medieval abbesses. But their avowed celibacy, which made the nunnery, and its potential to freeze inheritance claims, so useful to family strategies, set them apart from family structures. It was as an aunt, but also as a *celibate*, that Mathilda of Quedlinburg was acceptable as a regent. Virginity was, like the roles of women in the family, double-edged. It had been a source of power as well as a rejection of the body in the early Church (Brown 1988). But it could mean claustration, shutting off from the world women – and sometimes men. The feisty virgins who make fools of men in the plays of Hrotswitha of Hildesheim, an inmate of another German royal nunnery, show that, when combined with high birth, virginity retained some of its powerful meaning in the tenth century. When the first flush of conversion coincided with circumstances in which royal families could afford or were constrained to lock up their daughters, there was scope to develop those meanings: to produce a Hild in the seventh century or a Mathilda in the tenth.



Figure 27.4 Christ adored by Emperor Otto II, his wife Theophano, and their young son Otto III. The representation of the imperial couple is characteristic of the later Ottonians. Milan, late tenth century, Museo del Castello Sforzesco. Photo: Scala.

CONCLUSION: STRUCTURES, CIRCUMSTANCES AND CONJUNCTURES

Adelaide, with whom I began, was daughter and sister of rulers of Burgundy; wife and widow of a king of Italy and a German emperor; mother and grandmother of emperors, king and queen: an embodiment of the Ottonian family ties which held their empire together. Few people could have expressed as she did a unity of kingdoms which was pre-eminently a family unity, for she exercised a female power which derived from these family sources. She was also heir to a recent tradition

of active queenship and of its definition. Her power and influence did not remain uniform throughout her long career, though it culminated in regency. That regency was delivered to her by a series of accidents: the early death of her son, the fact that he and his wife had produced four daughters and only last a son who was still an infant at his father's death, and finally by a man, Henry of Bavaria, over-reaching himself.

The structures of family and household delivered power to Adelaide as to other early medieval women. That power was rooted in a series of family roles which changed across the lifecycle. In so far as it was derived from motherhood, or the role of wife, it inherited some of the contradictions and problems inherent in those roles. Even in the case of abbesses these structures were important. It was as daughters that many of them were consigned to the religious life, and as royal daughters that they became abbesses. The cycle of power and relative obscurity which can be a feature of these women's lives is related to the female lifecycle itself, which changes daughter to wife/queen to widow/dowager.

In all of these senses the roles of these women were strongly gendered – whether in the seventh or tenth century. Their power derived from the essentially female roles of daughter, wife and mother. These were not merely female but gendered 'feminine' roles, where expectations and actions were determined largely by the fact that those who played them were always women. They were gendered too in the sense that those who filled them were identified as instances of 'woman' as a type. Although in many ways it is more useful to analyse their careers in terms of 'daughter', 'wife' and 'widow', the broader and more inclusive category 'woman' remained. The established Western stereotypes of sexual temptress, of weakness and incapacity, were always available as critiques against royal women, rendering an Emma of France or an Empress Judith easy suspects of adultery. It might be as 'mother' or 'wife' that these women gained access to power and legitimated its possession and use, but it was as 'woman' that they were often judged.

Recognition of these structures is essential not only for understanding but also for effective comparison; but they are not a straitjacket. They were in themselves complex, subject to many variables and expressed in specific circumstances. The stage of a dynasty's history, or of an individual family's lifecycle; the existence of step- relationships; the size and structure of families, accidents of birth and death were, for example, all significant. The ruling women of the 980s were the product of an Ottonian family at the peak of its rise, one which had extended its control through marriage alliance and set in place a network of female relatives. The female regents of the 980s operated at a point where that family's sense of solidarity could still weigh against divergent local trends. Among those regents was Emma, Adelaide's daughter and queen of France. Like her mother-in-law Gerberga, she was a beneficiary of the Ottonian family regime which spanned Western Europe in the mid-tenth century (Le Jan 2001). In the case of these French queens, however, there were other internal factors which made them crucial to their husbands and underpinned their prominent position. Established Carolingians and rising Capetians were contending for the throne. The Ottonian alliances these women cemented for their Carolingian husbands were critical, and secured their own positions. In addition both Gerberga and Emma acted as their husbands' most reliable supporters in a local situation where loyalty was not always reliable.

Gerberga held fortified towns and strongpoints in her husband's name. Gerberga and Emma were among the tenth century's anointed queens. It was women like these who filled that title with its maximum meanings. In the process they, alongside an empress such as Adelaide and Ottonian abbesses such as Mathilda, created traditions of female power out of which the remarkable coincidences of female regencies in the 980s and 990s could grow.

Throughout the early Middle Ages many of the circumstances existed which could allow women's power to develop. If that power is not always at first sight obvious, that may often be because the sources to study it are inadequate. They often deal in feminine stereotypes, and, more problematically, are often uninterested in the very type of politics within which powerful women were likely to be most active. There were similarities between seventh-century England and tenth-century continental Europe which our reliance on Bede may mask. Even Bede allows us to see that Hild of Whitby and Mathilda of Quedlinburg inhabit the same world. We should feel encouraged to comb his pages carefully for signs of other parallels.

It is more difficult to be certain whether there were real differences across this period. There may have been changes in the nature of marriage, and especially shifts towards its indissolubility, which made late tenth-century royal women more secure than their seventh-century predecessors. Whatever it meant in the seventh century, queenship was acquiring clearer definition in the ninth and tenth, and perhaps with it added possibilities. Uncertainties over the succession, and norms of inheritance which opened up a pool of candidates beyond father and son, produced struggles for the throne which were areas of female political activity throughout these centuries. In seventh-century England, however, the need for warrior kings and a wide range of acceptable candidates made regency and especially female regency an unlikely outcome. In the tenth century, by contrast, the pool of candidates was often more restricted and legitimate succession of sons to fathers was, if not a rule, at least a strongly arguable case. It was precisely because Otto III's uncle threatened this that he lost much support. Warrior kings were still desirable, but the members of a more territorialised nobility were less likely to decamp during a minority. In this less volatile world it was perhaps easier for women to operate, and to be accepted as regents.

These apparent differences should, however, be viewed with caution. They may not be simple changes over time which will apply across Europe. Sixth- and seventh-century Merovingian Francia, for example, had a nobility just as prepared to accept female regency as tenth-century Germany despite apparently more open succession norms (Wood 1994; Fouracre and Gerberding 1996). Access to regency in particular was a result of varying political circumstances which take us far beyond the limits of the present chapter. Powerful women will only be fully understood within their wider political framework; that framework will itself only be fully comprehensible when these women are taken into account. Work on powerful women, as on all women's history, is still in its early stages. Further study may undermine any confident generalisation – but it must take as its starting-point the underlying structures of female power and the critical importance of the context in which the problems and potential of those structures were realised.

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CHAPTER TWENTY-EIGHT

PERCEPTIONS OF AN EARLY MEDIEVAL URBAN LANDSCAPE



Cristina La Rocca

Writing the history of settlements and landscape is necessarily a multidisciplinary exercise. The image we have of any particular city and countryside at a point in time depends for its definition on the interpretation of archaeological data in the light (or with the support) of the terminology used in written documents. Genuine multidisciplinaryity is a relatively recent phenomenon. On the one hand, especially in Italy, but more generally too, archaeologists used to invoke written sources merely to give appropriate names to their finds (Tabacco 1967: 67–110) or to build models of different settlement patterns; on the other, historians used to cite archaeological data simply to reinforce with material evidence hypotheses based on written sources. Recently, thanks to trends in historiography, the conjunction of archaeologists and historians has produced more sophisticated interpretations of both written and material sources: no longer are these seen as simple mirrors of reality, providing historians with documents of ‘what happened’, and archaeologists with fixed chronological data, but as cultural products revealing a society’s prejudices and projects, models and behaviours. Charters, for instance, apparently bone-dry legal documents, are no longer read as objective and impartial records of truth, and the vocabulary of settlement they present, however limited, is seen to have different meanings in different social contexts, times and spaces (Halsall 1995; Augenti 2015) – just as a golden brooch found in a grave doesn’t simply show the social rank of the individual buried there, but instead suggests the aspiration of his/her family to be associated with an aristocratic elite.

The increasingly sophisticated use of stratigraphical techniques by excavators specifically interested in early medieval phases and phenomena, and not just in the ‘late phases’ of Roman settlements, has encouraged some archaeologists to use their own instruments to date their finds, especially pottery, independently of written sources, and to renounce the traditional assumption that political transformations must be visible archaeologically: that is, must have resulted in sudden changes of material culture or in spatial organisation. This new methodological orientation has certainly highlighted disciplinary differences. While archaeologists still tend to present sudden changes, to underline break-points, historians nowadays, examining their sources as

a mosaic of manipulated and interpreted realities, tend to stress cultural reworkings and continuities. Because the images derived from these two disciplines are contradictory, using archaeological data along with written evidence is no easy matter: any given reconstruction seems to be formed from a multiplicity of very different, even incompatible, fragments. If neither discipline can, on its own, explain the global phenomenon, history seems to have particular difficulty in explaining any individual case. In my view, then, it is impossible to write an organic synthesis of how an urban landscape was perceived by those who inhabited it. What I shall offer, instead, is a series of contrasting perceptions, varied in chronology (from the sixth to the twelfth century), geography (a number of places in northern and central Italy), and type of evidence (archaeological and written), of a set of early medieval urban landscapes. This choice depends on historiography: in Italy, much more intensively than in other countries, the issue of urban continuity or discontinuity has been a longstanding subject of research, because it was connected to nineteenth-century discourses about national identity (Wickham 1992; 2005: 644–692). This choice also depends on the substantial survival of Roman cities through time: in northern Italy sixty-four out of seventy-three cities up to the year 800 were of Roman origins; and there were only nineteen abandoned towns, concentrated in Piedmont, in the north western area of the Po plain and in the Veneto region (to the north east). The Veneto abandonments of urban settlements were balanced by the founding of seven new urban centres (Ward-Perkins 1988: 17).

PEACE AND PROSPERITY: THE POLITICAL IMAGE OF ITALIAN CITIES UNDER THEODERIC THE GREAT (493–526)

The relevance of the urban tradition in Italy is clearly shown by the longstanding vitality of the connection between good rulership and public building activity, as is demonstrated by the peculiar example of the Ostrogothic king Theoderic the Great (493–526). In the middle of the thirteenth century, the Dominican friar Salimbene de Adam, in his *Chronica*, described Theoderic as the protagonist of the third invasion of Italy, after the Vandals and the Huns. The king's reputation was inextricably bound to the churches that he built and that were still standing in the city of Ravenna, and to the bodies that were buried inside them.

Third, the Goths invaded and destroyed Italy. Regarding them, Gregory tells in his *Dialogue*: and they had many kings in Italy, of whom the greatest was Theoderic in Ravenna. . . . He had the church of the Goths built in Ravenna and the church of St Martin in Ciel d'Oro, which is now called Sant'Apollinare Nuovo, because his body was translated there from the city of Classis and is believed to be there. He also built outside Ravenna the church of Santa Maria Rotunda, which is covered with a single stone. And he was buried there in a tomb of porphyry stone which is shown to be empty to this very day, because the blessed Gregory, when he came to Ravenna, had him removed from there and cast into a ditch filled with filth. He did this for four reasons: First, although he was a Christian, he was nevertheless an Arian. Second, because he did many bad

things to Catholics. Third, because he killed three great men: Boethius, Symmachus, and Pope John. Fourth, because he was buried by demons in a crater of a volcano, just as Gregory narrates in the fourth book of the *Dialogues*.

(Salimbene de Adam, *Chronica*, 209)

In his account, Salimbene was unifying two different strands of tradition that were firmly connected to Theoderic's memory during the Middle Ages: the positive image of the builder-king, and the negative one of *rex hereticus*, who, in Salimbene's eyes, might represent one of the different activities of Antichrist during historical times (Whalen 2009: 170–6). If the negative image of Theoderic only circulated in texts written after his death in 526, the positive image of the builder-king was instead created during Theoderic's reign and continued over time to be a very successful one, to the point that in some Italian cities writers connected some of the imposing monuments of imperial Rome itself to Theoderic's activity. For the twelfth-century author of the *Chronicle of Gorze*, the Italian city of Verona was founded by 'Theoderic the former king of the Huns' (*Theodoricus quondam rex Hunnorum*): here the king built a 'huge palace made similar in a wonderful way to the Romulean theatre' (*domum praegrandem quae romuleo theatro mire assimilatur*), which came to be known as the *Theodorici domus* (*Chronicon Gozecense* I. 23, p. 149). The description of Theoderic's building enables us to understand that it was the Roman amphitheatre. Also in Rome, during the eleventh century, it was widely thought that Hadrian's mausoleum 'had been constructed by the tyrant Theoderic' (*Theoderici tyranni fuisse fabrica*) (*Chronica regia Coloniensis*, p. 32). This linking of Theoderic with Roman monuments is found long before the twelfth century. When Charlemagne wished to give imperial symbols to his palace in Aachen, he wrote to Pope Hadrian I for authorisation to remove from Theoderic's palace in Ravenna 'mosaics and marbles and other items located both in the streets and on walls' (*musiva atque marmora caeteraque exempla tam in stratos quamque in parietibus sitas*, Codex Carolinus 81; Einhardus, *Vita Karoli Magni* 26, p. 30–31). At the same time Charlemagne took from Ravenna to Aachen an equestrian statue of Theoderic (Agnellus, *Liber Pontificalis Ecclesie Ravennatis* 94, p. 338). Also Paul the Deacon, in order to dignify the origins of *Modicia* (Monza) where the Lombard queen Theodelinda was supposed to have built a palace, stressed that Theoderic had done the same in the past, attracted by the city's good climate (Paul the Deacon, *Historia Langobardorum* 4.21). All the above examples point to an aspect of Theoderic's royalty thought to be important from the eighth to the twelfth century: his reputation as a builder of imposing monuments underpinned the Carolingian tradition of connecting the name of the Ostrogothic king to public classical buildings, and this in turn had its sequel in twelfth-century imperial propaganda linking the classical buildings still standing in the Italian cities to a barbarian origin.

Theoderic had in fact been celebrated as a builder in his own lifetime by Ennodius, bishop of Milan, in his panegyric addressed to the king, and then following his death by the Anonymous Valesianus, by Isidore of Seville, and by various Byzantine and Frankish sources (La Rocca 2014: 4–5) portraying a common image as a restorer of Roman monuments and bringer-back into use of ancient buildings: palaces, amphitheatres, baths and aqueducts reflected imperial *civilitas* – 'city culture' but also 'civilisation' (Goltz 2009; Ward Perkins 1984). Theoderic's building

activity was emphasised to give the king a specific identity and to define his reign as peaceful and prosperous. This positive evaluation is mirrored in historiography on the Ostrogothic period in Italian history: the civility of Theoderic's regime is measured by the respect it showed towards Roman institutions and structures (Moorhead 1993; Heather 1995; Arnold 2014). Still-living and long-dead historians thus share a favourable attitude towards the age of Theoderic, interpreting it as a short parenthesis of peace and prosperity, evincing at once nostalgia for a happy time, and regret for the inescapable fact that it was as transitory and illusory as an Indian summer (Brown 1984: 4).

The warmth of that summer is rapidly dissipated if we move from propaganda to material evidence. The buildings attributed by written sources to Theoderic have not yet been found by archaeologists, or else they turn out to be simply restored ancient buildings. Palaces in Ravenna, Verona and Pavia are mere adaptations of Roman structures (Augenti 2005), while in the city walls of Verona and Pavia neither radical rebuilding nor even small adaptations can be dated to the Ostrogothic period. Archaeology thus transforms Theoderic from the promoter of urban renewal into a very modest figure. The written sources seem to have covered with a golden veil a harsh reality of economic impoverishment (Johnson 1988). To all these contrasting elements we can add another, paradoxical ambiguity: Theoderic was praised for buildings that he never built, while the ones he really did build, for example the churches in Ravenna, are not mentioned until the ninth century in the *excursus* of Agnellus's *History of the Archbishops of Ravenna*.

Theoderic appears to have emphasised the general tendency to reinforce legitimate royal authority with external signs of power, not only deriving his examples from imperial authority but also creating a new image for the efficiency and *civilitas* of his kingdom embodied in his building activity. In this respect Theoderic was competing with other contemporary barbarians, especially with his brother-in-law, Clovis, king of the Franks, for political supremacy in the West (Pferschy 1989; Mathisen 2012: 79–110).

It is necessary to acknowledge a basic difference between the sources for Theoderic's building activity. After his death, our texts represent the king as a powerful builder in a group of northern Italian cities (Ravenna, Pavia, Verona). The buildings he is said to have reconstructed there are all public monuments, similar in type: royal palaces, city walls, aqueducts, public baths. These sources attribute to Theoderic a substantial and monumental engagement in developing these three cities which respectively were his capital, the capital of the kingdom of the Lombards from the seventh century, and Verona, a city that during the early Middle Ages had shown several times its ambition to become a capital, though it never managed to achieve this status. A very important set of contemporary sources gives us a better idea of Theoderic's building policy and of the political significance of it: inscriptions from archaeological excavations can be contrasted to the documents preserved in Cassiodorus's *Variae* (Giardina 2006), which bear witness to the royal image that Theoderic wanted to cultivate for himself, in relation to imperial authority but also to his kingdom, to individual city-communities and to the other barbarian kingdoms.

The vocabulary used in Cassiodorus's *Variae* to describe the king's building projects seems to emphasise the rediscovery of ancient tradition, or rather, of a codified but chronologically unspecified civil past, but with a clear consciousness of

its diversity and distance from the present age. That consciousness is registered in the difference in meaning between *antiquitas* and *vetustas*. New buildings put up by Theoderic had to restore ‘ancient things to their pristine splendour’ (*antiqua in nitorem pristinum*) and at the same time had to produce ‘new things with a likeness of antiquity’ (*nova simili antiquitate*) so that ‘only the novelty of their constructions distinguishes [them] from the work of the men of old’ (*ab opere veterum sola distet novitas fabricarum*). The *novitas* of the buildings promoted by the king is directly linked to the tradition of *antiquitas*: that is, to a remote mythical past, in contrast to the *vetustas* which affected many buildings in the present. *Antiquitas* allows at the same time the renewal of ‘what has been made, excluding the defects of what is old’ (*facta veterum exclusis defectibus*) and their embellishment ‘with a new glory of old age’ (*nova vetustatis gloria*) (Cassiodorus, *Variae*, 7.15). *Vetustas*, synonymous with *senectus* (old age) is *veternosa* (worn out), *marcida* (withered), *incuriosa* (lacking in intellectual energy): it is the result of the scant attention that Theoderic’s predecessors had shown towards urban *civilitas*, and represents the degradation of many ancient buildings. *Vetustas* is the material consequence of the lack of interest on the part of the aristocracy and royal authority, in mirroring the status and dignity of the city through the quality of public buildings. It was a trend of those times which it was necessary to stop. Only the king’s *diligentia* could protect monuments from ‘the desiccation of age’ (*vetustatis decoctione*), could avert their destruction by ‘the old age that wore them down’ (*senectute obrepente*) (Cassiodorus, *Variae*, 4.30; 7.5).

Antiquitas is instead *provida* (armed with forethought), *beneficialis* (beneficent). It has an active role in defining the present and in this function it is associated with verbs such as *definire*, *nominare*, *praefingere*, *dictare* (to define, identify, shape, order), and symbolised by ‘the solidity of buildings’ (*soliditas edificiorum*). It is a true recovery, one that can be made only through the *novitas* legitimised by authentic ancient tradition as it restores to new buildings their original ‘splendour’ (*nitore*). Without this connection the new becomes an affectation of modernity (*moderna praesumptio*). Only he who is *antiquorum diligentissimus imitator* (‘most diligent imitator of what is old’) could truly be called *modernorum nobilissimus institutor* (‘most noble establisher of what is modern’) (Cassiodorus, *Variae*, 4.51). The recovery of antiquity was the conceptual base from which to re-propose the classical image of the ‘show-case city’ offering a permanent exhibition of the inhabitants’ benefits, and with public buildings representing the monumental transcription of the city’s functions. It was a real retrieval of the nearly lost. Recent studies have clearly underlined that, from the third century onwards, urban aristocracies were uninterested in giving public buildings to their native city, and were spending their money instead on private or religious buildings. Public institutions were thus having great difficulty in maintaining already existing public buildings (Ward-Perkins 1984). The typology of monuments renewed by Theoderic – baths, amphitheatres, theatres, aqueducts, city walls – summarises in the king’s person both the old private patronage and the imperial one, and it is intimately bound up with the city’s role as a meeting place for citizens (*cives*).

The precise connection between *antiquitas* and *novitas* is the conceptual framework for the repair of ruined statues and buildings, celebrated in inscriptions but with radically new motives. Instead of celebrating the donation to the city of new buildings, they celebrate the restoration of already existing structures after temporary

abandonment. The new buildings, inspired by antiquity, arose from the ruined monuments that public finances had not managed to repair and in which the aristocracy had shown no interest. This praise of antiquity is thus linked with criticism of Theoderic's predecessors, and of the unworthy posterity (*indigna posteritas*) which 'spurns the praises of ancient descent' (*laudes antiqui generis abnegat*). Criticism of the society of the immediate past is expressed through comments about the degradation of buildings on an objective and ostensibly neutral level, seemingly devoid of political implications, which allows the king to present his activity as a necessary restoration. This key message was promptly understood by Theoderic's panegyrist Ennodius who declared that the king's fame consisted in having averted a sunset, in having revived 'unhoped-for glory' (*insperatum decorem*) from the ashes of cities (Reydellet 1981).

Let's try now to compare Theoderic's project with what he actually achieved. It has been noted that claims for tradition are normally more intensive when tradition – as uninterrupted continuity – has already been broken or is breaking. Continuous and pointed references to the past are just masks for novelty, so that collective consciousness can insert within a known paradigm the aspects that otherwise would be considered intolerable. Genuine novelty does not appear in programmatic declarations of change but in the interstices created by declarations of fidelity to tradition. If the constant call to antiquity was used as clear reference to a lost civilised past, on the practical side its aim was to give an ancient and familiar veneer to the new elements, masking what was potentially least acceptable about them. The three points of Theoderic's building activity – *antiquitas*, *vetustas*, *modernitas* – are extremely clearly expressed and the building side of the king's policy was the demonstration of his fair government. We can see Theoderic's building propaganda as the ancient ideological frame in which change and novelty could be inserted.

In practice, there were many and obvious contradictions to the ancient line proposed by the king. Let's look at some examples. Theoderic allowed aristocrats *absoluta liberalitas*, to build private houses on the site of public buildings without payment, for instance in the *porticus Curvae* and on a grain-store (*horreum*) in Rome because they were 'destroyed by the oldness of long time' (*longi temporis vetustate destructa*), and a portico in Spoleto was given to Helpidius 'so that the appearance it had in its prime could be restored' (*ut facies adulta reddatur*) (Cassiodorus, *Variae*, 4. 24), the only condition being the maintenance of the original structure. An aristocrat receiving such permission was formally commanded to bring new dignity to ancient structures forgotten by *incuriosa vetustas*: Cassiodorus's letters of authorisation for private building on public structures are prefaced by long rhetorical sections exalting the virtues of the showcase city.

The same ideological framework was used when the king allowed the reuse of ancient building materials in new buildings – as in the famous example of the amphitheatre of Catania whose stones he permitted to be used to fortify the city – or in his exhortations to each man to give generously 'stones of whatever kind lying about in his fields' (*cuiuslibet generis saxa in agris suis iacentia*) (Cassiodorus, *Variae*, 1.28) so that they could be used in new buildings: 'it is not right that what can increase the beauty of a city is lying on the ground'. 'We wish to increase modernity without diminishing antiquity': take to Ravenna the marbles from Ostuni because there they would have the glamour of 'antique brightness' (*antiquus nitor*). It is worth stressing

at least one element of novelty proposed by the king: reusing ancient stones was considered as prestigious as building a monument with new stones. Such an attitude was very far from the classical one: a century earlier, Ammianus Marcellinus could direct blame at the urban prefect Volusianus because he was claiming to be the founder of buildings that in fact he had only restored (Ammianus Marcellinus, *Res gestae* 27.3). In spite of several imperial reminders to municipal administrations to provide for the restoration of collapsing buildings rather than to build new ones, the personal prestige and local fame of a new founder had never been the same as that of a mere *restaurator*. To be sure, expropriations of building materials, and of whole buildings, were not unknown before Theoderic: the Theodosian Code has some clauses dedicated to this subject, but they are inspired by motives quite the opposite of Theoderic's, since their aim is to restrict and regulate the use of *spolia* from public buildings, and certainly not to encourage and ennoble this practice (Dubouloz 2004). Late Roman legislation in fact stressed that public buildings could only be demolished if they were not still in use; further, their building materials could only be reused for other public buildings and for public use in the same city. In this way the dignity and material patrimony of a city and its inhabitants were safeguarded and the reused stones still displayed the dignity of the local community (Marano 2012: 63–83). The novelty proposed by Theoderic, then, was to confer on the reuse of ancient buildings and building materials the ideological aura of a restoration of the classical past. To satisfy and ennoble aristocratic ambitions and desires allowed the king to be an active element in aristocratic careers and at the same time to strengthen consent for his regime.

This firm intention to practise a 'traditional' policy, avoiding every kind of subversion, also highlights the king's lack of concern when antiquity was openly violated. Consider, for example, Theoderic's behaviour after the theft of a statue at Como: after expressing his regret, Theoderic ordered Tancila, his officer in the city, to offer a reward for the statue's return, but also to establish a special reward for confession by the offenders. 'It is for a right-thinking prince to abolish crimes rather than to want to punish them' (*Benigni quippe principis est non tam delicta velle punire quam tollere*): the important point is that nothing changes, that the statue goes back to its original place. Theoderic was extremely severe with the prefect Artemidorus, guilty of appropriating money assigned for the restoration of ancient buildings in Rome: the return of the money was considered sufficient to avoid punishment, however, because the king's *moderatrix clementia* (clemency-as-moderation) was satisfied by having discouraged someone else's cupidity (Cassiodorus, *Variae*, 2.33, La Rocca 1993).

In response to Theoderic's compliance towards them, the aristocracy celebrated the king and his special munificence in conspicuous material forms. First of all, the ancient practice of erecting bronze statues in the *fora* to celebrate local public and private donors was re-established. It was a custom, though preserved longer in southern Italy, that Ammianus Marcellinus already considered *demodée* in the later fourth century (Ammianus Marcellinus, *Res gestae* XIV. 6. 8, 13). Statues of Theoderic, or at least thought to be of him, are mentioned in Ravenna, in Rome and in Constantinople, this last one erected by the emperor Zeno to mark Theoderic's consulship. The putting up of statues was severely regulated during Justinian's reign. The emperor forbade Theoderic's successor Theodatus to permit the erection of

statues portraying himself on his own: he was always to be portrayed together with the emperor. While the more aggressive policy of Theoderic's successors made these forms of auto-celebration intolerable at Constantinople, Theoderic wisely ensured that his statues were not interpreted as symbols of political antagonism (Ward-Perkins 1984; Ward-Perkins and Machado 2013: 353–364).

The king was also portrayed in mosaics at Pavia and Ravenna: according to Agnellus's description the first was an equestrian portrait, while in the second the king was flanked by the personifications of Rome and Ravenna (Agnellus, *Liber Pontificalis*, p. 337). Rome's traditional iconography was balanced by Ravenna's new one. It was a compromise between modern and old tradition that had been seen in Theoderic's portrait on the golden coin celebrating his *tricennalia* (thirty years of rule), where the king is presented as a Late Roman soldier (von Rummel 2007: 191–196): the king has a moustache and quite long wavy hair, and he holds a globe in his hand. This was a portrait that, while not renouncing a timid affirmation of the king's imperial ambitions, did not exceed the permitted limits (Giardina 2006).

The king's images were widely distributed. The gift of prophecy was ascribed to some of them: the gradual disappearance of the mosaic portrait in Naples was interpreted by the Romans as a symbol of the slow dissolution of the Ostrogothic kingdom in Italy. Symmachus's daughter took revenge on Theoderic, who had had her father executed, by destroying all the king's images (Procopius, *Gothic Wars*, iii.20.27). The desire to celebrate the persona of the king was seen in other kingdoms too, whose rulers had dynastic links with Theoderic. Thus the Vandal king Hilderic portrayed himself with his Roman predecessors Valentinian, Theodosius and Honorius. Another form of ruler-symbolism straddling the same line between innovation and tradition was the production of stamped tiles with Theoderic's name. Theoderic's stamps are archaic (they are rectangular in form) but they are also new, especially in bearing the legend 'Regnante domino nostro Theodorico bono Roma' ('In the reign of our lord Theoderic for the Good of Rome') or 'Felix Roma', and, though very rarely, the date of emission. If this latter trait was taken from Byzantine models, it was seldom used in the eastern part of the empire and not in the age of Theoderic. Theoderic's role in renewing ancient monuments and the civil aspects of the cities is also evident in the inscription on the lead piping of a Ravenna aqueduct, 'Dominus noster Theodericus civitatis [*sic*] reddidit' ('Our lord Theoderic restored this for the city') (Guerrini 2011). Such symbolic enrichment of the king's prestige is also exemplified in the foundation, or perhaps just the renaming, of the city of *Theodoricopolis* in Raetia, mentioned by the Anonymous of Ravenna. To give one's own name to a city was typical imperial behaviour, as Vegetius explained in his fifth-century *Epitoma rei militaris*, but this model was widely copied by barbarian kings: *Uniricopolis* was the old Hadrumetum, thus rebaptised in the fifth century by the Vandal king Huneric, while *Reccopolis*, founded in the later sixth century by the Visigothic king Leovigild to honour his son Reccared, was completely new (Bertoldo 1994; La Rocca 1993). It is worth noting that these new names or new settlements did not manage to survive in historical tradition, nor did they succeed in attracting population, being deserted, in each case, within a century. They came into being as arbitrary decisions to celebrate rulers rather than to meet any economic need for a settlement. The chronological order of these three examples could suggest that Theoderic was

imitating Huniric, not the emperor, just as the Ostrogoths imitated the Vandals in creating new multiples of their bronze coins. The Vandals may have provided a model for contemporary barbarian kingdoms in other material displays of power: for example offering equestrian and gladiatorial *ludi* in circuses and amphitheatres, or restoring residential private and public buildings. Theoderic's palace in Ravenna was a Roman *villa*, as were the small so-called palaces in Galeata and Palazzolo.

The importance of local society in defining building policy can be seen in the different forms such policies took in the old imperial capital, Rome, and in the Ostrogothic capital, Ravenna. In Rome, as already noted, the king simply restored already existing buildings, but in Ravenna he had completely new ones built. At least two more differences marked the king's self-representation in these two cities. In Rome, buildings were restored using tiles stamped with Theoderic's name, while in Ravenna this type of inscribed tile was never used (Righini 1999; Guerrini 2011). Theoderic was celebrated in Rome for buildings that gave a new imperial light to the city, while we have to await the ninth century and the relatively late source, Agnellus, to learn of the list of new churches built by Theoderic. Further, different building materials were used: in Rome, ancient stone *spolia*, in Ravenna new marbles, directly brought from Proconnesus. In evaluating these differences, we can either emphasise them or play them down. If we take the latter option, we could observe that Ravenna's buildings are completely built with reused bricks, so that there is no real difference in the two cities. It is worth stressing, though, that if in Rome and other Italian cities Theoderic very deliberately left his mark upon the restored buildings, in Ravenna the ancient date of the building materials can only be determined after a careful analytical examination. At first sight the buildings appeared really new and this impression was enhanced by the marbles and mosaics decorating the interior of the churches.



Figure 28.1 The mausoleum of Theoderic, Ravenna. Photo: Scala.

In Ravenna, where Cassiodorus's *Variae* also attest the arrival of ancient marbles from Ostuni, Rome and Faenza, as well as the activity of *marmorarii*, ancient building materials were entirely reworked, as they commonly were in Constantinople, so that their age could not immediately be detected. There clearly was a desire to build with rare materials, and when new ones could not be obtained, old ones were made new by reworking. In Rome Theoderic was emphasising the *imprimatur* of antiquity, while in Ravenna he was concealing it.

Theoderic adopted an ambivalent policy which could satisfy the expectations of a society divided between Goths and Romans. He treated Rome and Ravenna as he was expected to do. Where the Roman Senate and aristocracy were concerned, he tried to recover the best classical tradition. Putting Rome at the centre of the king's attention and care meant restoring the prestige of a city that had lost its uniqueness after the rise of Constantinople, and whose benefactors now were simply local inhabitants as in any *municipium*. As for Ravenna, its position was very different – simultaneously the capital of the Gothic kingdom and the delegated seat of power of imperial authority. The palace, seat of this twofold authority, united structural and topographical elements recalling the example of Constantinople: the object was not to emulate the imperial capital but to show Ravenna's new dignity as an 'authorised branch' of the empire. The king decided to be buried in Ravenna, and the site he chose recalled Eastern imperial examples. Inscriptions with the names of the twelve Apostles on the top of the roof of Theoderic's mausoleum should be seen as imitating the Byzantine imperial funerary church. True, Theoderic was not the only barbarian king to imitate this model: Clovis was buried in a church dedicated to the twelve Apostles that he and Queen Clothild had built in Paris. Yet there is an obvious difference between Clovis's church, and the site of Theoderic's burial in an Ostrogothic cemetery and in a mausoleum built entirely out of new materials. The Anonymous of Ravenna also tells of 'a very large stone' long sought by the king for his grave. Theoderic's sarcophagus – a reused porphyry one – obviously harks back to ancient imperial practice, as used by Eastern emperors until Marcian (457), but thereafter abandoned. In this case, as in others, Theoderic chose to represent his power in a way that maintained ambiguity between new ambitions and old achievements.

Can we conclude that Theoderic adopted a specific building programme, in the sense of a homogenous sequence of activity, whether innovative or conservative? I would say no. Theoderic needed to create an ideological framework that could give a traditional veneer to the reuse of buildings and materials. He needed, therefore, to balance old and new, and this could be done by stressing the distinction between *antiquitas*, which contained within it the transcendent power of renewal, and *vetustas*, which had to be overcome. At the same time, Theoderic's equilibrium had to be a changing one, for it had to be adapted to the varying circumstances of different cities, especially Rome and Ravenna, and the varying forms in which elites sought legitimacy. Theoderic's flexible approach enabled him to satisfy the aristocracy's demands and consolidate its consent, ensuring a measure of social peace. Like every ancient political programme, Theoderic's included a building policy that gave external and visible testimony to the efficiency of the ruler's good government (La Rocca 1993).

PROBLEMS OF TERMINOLOGY IN THE SEVENTH AND NINTH CENTURIES

If until the fifth century Roman society was dominated by interests, hierarchies, and an economic pattern promoted by the state, from the sixth century the relevance of state organisation underwent a sudden decline. One of the clearest signs of the impact of this decline is the change in the terminology formerly used to define and classify human settlements within the empire. Until the fifth century this vocabulary – *civitas*, *vicus*, *pagus*, *villa* – constituted the uniform expression of a settlement hierarchy formalised by the state, which reflected the different functions and characteristics of settlements in relation to the state's administration. Here, and inevitably, the payment of taxes was central (Wickham 1984). A similar uniformity of meanings simply cannot be found in the sixth century. Cassiodorus, for example, looking at the urban life, good climate, and rich monuments of Squillace, while at the same time observing that the place didn't have a proper wall, was unsure how to define its status: was it a *civitas ruralis* or a *villa urbana* (*Cassiodorus Variae*, 12.155)? Gregory of Tours, likewise, was astonished that Dijon was not termed a *civitas*, although, for him, it had all the material and social characteristics of one (Gregory of Tours, *Historiarum Libri decem*, 3, 19). Both Cassiodorus and Gregory seem implicitly to discern and denounce a hiatus between the terms used to identify the two settlements and their ambiguous social and material characteristics. Public acknowledgement of their functions was perceived as inadequate to express and legitimate the quality of their inhabitants and their inter-relationships, and their efforts to create an urban monumental landscape. With the fading of the state, settlement hierarchies, like aristocratic hierarchies, became the object of continuous negotiation. Who, or what, could now declare a place a *civitas*?

The choice of which vocabulary was the most suitable to define the characteristics of settlements (and the ambitions of their inhabitants), even if conditioned by the limited number of terms available, was not uniform in the different *regna*. If the 'Roman' hierarchic scale was generally respected, with the *civitas* regarded as being at the top, the individual elements brought together to specify the distinctiveness of a settlement were quite varied. From the sixth century on, authors' choice of settlement words was not purely objective, nor was it always related to the material evidence: terms were chosen to indicate or to claim improved status, with buildings taken both to show the acquired status, and to anticipate it. Analysing Bede's words for places, James Campbell (Campbell 1986: 99–119) has shown that that author's choice between *villa*, *vicus*, *civitas* or *urbs* was not made simply on the basis of the existing characteristics of a settlement, but instead derived from Bede's conscious selection, and his wish to express a really new and, in his view, apposite hierarchy.

On the other hand, the decline of a settlement's status did not always have identical material consequences, nor did it necessarily imply abandonment by the inhabitants. Consider, for example, the expression 'razed to the very ground' (*ad solum usque*) used quite frequently in written sources of the seventh and eighth centuries to describe the end of some cities. The expression denotes the abolition of the dignity of a *civitas* through punitive action, including the ruin of a part of the city walls, which were certainly the most important material feature of a city. Thus Fredegar says

that when the Lombard king Rothari conquered the Ligurian coastlands, the king 'destroyed to their very foundations the walls of the listed cities, and ordered that those cities should [henceforth] be called *vici*' (*muris civitatebus superscriptis usque ad fundamento, vicus has civitates nomenare praecepit*) (Fredegar, *Chronica*, IV 71) This destruction was in fact a symbolic act, its purpose being to disqualify the cities in an institutional sense. This did not necessarily mean that buildings were ruined or houses destroyed in the cities themselves (La Rocca 1994).

The high quality of urban buildings and the high status of the inhabitants are sometimes used to assert the rise of a settlement as a functional focus of activities of various kinds. Thus Paul the Deacon, writing his *History of the Lombards* in the later eighth century, traces the terminological transformation of Cividale: during the first phase of Lombard settlement, Cividale is simply described as a *castrum*, that is, following Isidore of Seville's *Etymologies*, 'a popular meeting-place of men' (*vulgaris hominum conventus*) (Isidore, *Etymologies*, XV, II. 11), but from the beginning of the seventh century Paul uses the term *civitas* to denote the qualities of this place, because the inhabitants had surrounded it with a wall during the Avar attacks, but also because the duke and 'the most noble Lombard families' lived in it. Even Callistus, patriarch of Aquileia, 'who was outstanding in nobility' (*qui erat nobilitate conspicuus*) came to live within this *civitas*, leaving the *castrum* of Cormons where he had been a refugee. In Cividale he could live 'together with the duke and the Lombards' (*cum duce et Langobardis*), whereas in Cormons his authority had been diminished because he had had to live 'only in the society of common people' (*tantum vulgis sociatus*) (Paul the Deacon, *Historia Langobardorum*, VI 51). The high social rank of Cividale's inhabitants thus conferred dignity on Callistus, while, on the other hand, Callistus's residence there allowed Cividale to acquire an important religious function. The walls, the duke, the aristocratic elite, the patriarch, together constituted the identity of the new city. Among traits that seemed to attest the death of a *civitas*, the low social level of the inhabitants is frequently underlined. In the ninth-century *Versus de destructione Aquilegiae numquam restaurandae* ('Poem on the destruction of Aquileia, never to be restored') (*Versus*, p. 143) the decay of Aquileia is represented in terms of social decline: the ancient 'city of nobles' (*civitas nobilium*) had become only a 'cave of rustics' (*rusticorum speleum*), the 'city of the kings' now nothing more than 'the huts of poor folk' (*pauperum tuguria*) (La Rocca 1998).

This shifting terminology has to be compared to the different uses of early medieval urban spaces within and outside the city walls. It has become normal to stress the similarity of the organisation of urban spaces to that of rural spaces: this phenomenon is called by some scholars 'Christianisation', by others 'ruralisation' (Gauthier 1999). Its peculiar features are above all the fragmentation of the ancient urban structure, its pulverisation into separate and different nuclei (each provided with its simple identificatory structures), separated by open areas both within the city and in its proximity; and finally, the prevalence of wooden buildings. Such a structure gives form to cities that are at the same time open and closed: private charters of the eighth and ninth centuries identify cities above all as spaces enclosed by city walls. Yet in practice, the boundaries of lands and properties ignore this material boundary and are described without any break in continuity within and beyond the city walls, as if the latter were not there. City walls, therefore (which had normally been built

during Late Antiquity, between the fourth and sixth centuries) were used to define the urban status of the space that was enclosed by them but did not define the city itself geographically: archaeologists and historians of the Late Antique period have shown that the fortification of the urban space went hand in hand with the articulation, outside the city walls, of new settlements, centred on cults and churches based on the presence of holy relics, which were perceived as the specific patrimony of the city (Cantino Wataghin 1999). This decentralization was accompanied by a new functional use of monumental spaces within the city, re-defining 'a new boundary between the public and private sphere': redundant public spaces were therefore used in a new pragmatic way (Loseby 1996). Thus, early medieval cities were fundamentally different from Roman cities for their different hierarchy of urban spaces, principally because of a different understanding of 'centre' and 'periphery'. If the Roman city was organized according to the logic of locating the most important public spaces at the topographical centre of the city itself (starting at the *forum*) during the early middle ages the 'centrality' of places did not coincide any more with topography, but instead with the different seats of individual authorities: the most important and central places being those where prestigious figures were located, regardless of their topographical position within the city.

One of the most important starting points for this disarticulation is considered to be the building of the *episcopium* (the episcopal *domus*) within the city: the choice for its site was in fact strongly influenced by the availability of an empty space within the city (Loseby 1992). The difficulties the different bishops had in finding an appropriate location in the topographical centre resulted in the acquisition of peripheral or marginal areas of the antique city, often near the city walls, or even outside them. Nevertheless, episcopal prestige and the bishop's eminent function within the urban community guaranteed the centrality of his see within the city. Independently of its topographical location, whether central or peripheral, it was the centre of the local Christian community.

The same logic of separation between topographically central places and prominent personal authorities could be found in the foundations (within cities but more often outside them) of private churches and monasteries, which were ties of kinship and ritual solidarities. Paradoxically enough this process was far more intensive in those cities that were creations of the sixth and seventh centuries, as for example in the case of Ravenna (Cirelli 2008). Ravenna's new centrality as an imperial and royal seat was paralleled by the monumentalisation of empty areas and especially in the erection of new churches and the destruction of funerary areas, a process affecting standards in the construction of aristocratic houses and reflected in the quality of highly sophisticated private buildings (Ortalli 1992).

The influence of individuals, live bishops and dead saints alike, gave rise to new urban *foci*, and the physical destruction of old city walls. Burial of the dead was crucial to this process, with burial rituals serving to establish private prerogatives towards the city's centre, with burial sites in both private churches and public areas: witness the abandoned monuments and paved streets of Rome (Meneghini, Sant'angeli Valenzani 1993). For what concerned the ritual practices of family commemoration city walls were no longer regarded as marking a separation of the city's inner from its outer spaces, thereby representing a complete break from the old custom of a space for the dead separated from the space of the living.

The early medieval city was therefore at the same time a closed space, defined by a town wall marking its status as a city in the settlement hierarchy, and an open city, because the boundaries marked by the city walls provided no indication of the variety of activity within and without.

Archaeological excavations all over Italy (and Europe, too) show that early medieval cities were less densely built in comparison with Roman cities and that the majority of houses were built of wood, with in some cases very sophisticated techniques. These two elements have combined to define such phenomena as the result of the 'ruralisation' of cities. From the beginning of the seventh century it would be extremely difficult to distinguish clearly an urban from a rural settlement pattern, because both shared the same poor building techniques and the combination of open areas and built spaces. A pattern of urban space organized patchily has been suggested for Lucca, the Tuscan city which preserves the best series of private charters in early medieval Italy. It has been shown that written documents concerning Lucca during the eighth and ninth centuries were related to lands exchanges near the city walls involving an extremely small group of individuals, all connected with the local bishop; in short, an urban élite, who was defined by its relationship with that bishop. The spatial distribution of their dwellings reveals that only rarely did they cluster within the city walls (De Conno 1991: 59–128). And even in Lucca, these nuclei did not acquire specific and distinctive names but were simply located 'infra civitate Lucense', indicating their location inside or outside the city walls. From a material point of view, therefore, although they could be compared to rural settlements, the description of them, normally characterized by a specific toponym, or by the expression '*in loco ubi dicitur*' ('in the place called. . .'), stresses their distinctive status. In the interior of the city, and for people living in the 'border' area next to the city walls and the city gates, such descriptions were not used (La Rocca 2000: 419–424).

PRIVATE CHARTERS AND URBAN SPACES IN THE EIGHTH AND NINTH CENTURIES

Debate on the quality and characteristics of urban life in the early Middle Ages is, as Chris Wickham has observed, a key topic in Italian historiography (Wickham 2005: 644–5). Italy's uniqueness, the political and institutional aspects of which became clear during the eleventh and twelfth centuries through the organisation of politically autonomous urban communities, has long been interpreted as the sign of a re-emergence of the old freedoms and customs that the Italians – or the Romans – enjoyed up to the fifth century, in stark contrast to the political oppression imposed on the Italians by foreign conquerors during the ensuing Lombard and Carolingian periods. Historians have made various (and very varied) attempts to find some thread of continuity which would offer an explanation, without anachronism, of Italy's peculiar trajectory. However plausible in general terms, no such explanation has really accounted for any particular case. It remains unclear how any given urban community survived underground from the sixth to the tenth century, finally to re-emerge and to assert its identity in the ensuing period. And yet, allegedly, the destiny of the individual town, as the cradle of Roman civilisation and also the ideological symbol of civilisation itself, exemplified the general process: the city declined under barbarian, foreign, domination, but nevertheless did not die. Somehow, while

its characteristic features and institutions were demolished, their memory was kept alive (though how and by whom is seldom apparent) until the eleventh century, when urban communities reappeared, free at last to show their inherent strength and dynamic energy.

This grand narrative was a construct of the nineteenth century, when Italy itself was being (re)constructed. Its main features, especially those based on assumptions about early medieval law, have long since been demolished. Nevertheless, and not only for Italian historians, the problem of the significance and of the relevance of urban life during the early Middle Ages will not go away. Nor is it merely national myth-making that has kept the problem on the agendas of Italian historians and archaeologists. The problem in itself is a fundamental scientific (*scientifico*, *scientifique*, *wissenschaftlich*, etc.) one in the continental sense: on its resolution, by applying appropriate methodologies, depends our knowledge of Europe's past. The sources used to construct the old narrative of the *longue durée* were always extremely various in type, quality and chronology, ranging from still-standing Roman monuments to place-names, archaeological finds, and narrative sources. Recently, however, research by both archaeologists and historians has yielded important – but apparently conflicting – evidence on the question of urban continuity.

On the archaeological side, in the past decade, with the huge increase in the quality and quantity of material data from stratigraphic digs on urban sites, the traditional two-faced image of the early medieval Italian city, with its characteristic alternation of desolate landscapes and Roman survivals, and its problematic cohabitation of barbarians and Romans, has suddenly completely disappeared. To find within the city walls wooden structures and houses, burials, vast open areas without any visible structures at all, and over everything a deep deposit of dark earth, has allowed archaeologists to set the Italian city in a northern European context, at least from the material point of view (Brogiolo and Gelichi 1998). This new picture has, paradoxically, highlighted more sharply than ever a striking difference between the early medieval urban phase and the classical one, not only accentuating all the negative motifs of the old historiographical tradition of the past, but confirming it by 'objective' material evidence. Still more paradoxically, in the new darker-than-ever archaeological account of the early medieval city, the culprits have remained the old ones: namely, the Lombards, who with their distinctive barbarian nature, their lack of familiarity with urban life and civilisation and their brutal and rather primitive social organisation, were responsible for the degradation of cities into villages. In a word, they remade cities in their own image. Archaeologists draw a correspondingly sharp contrast between Lombard Italy and Byzantine Italy. In the Byzantine area, so the argument goes, continuity of public administration maintained the identity of urban communities and their function of territorial coordination.

If that is where the archaeologists have left us, what do the historians have to say? Recently, a number of them have shown a way forward through the intensive study of private charters. Curiously, these documents had previously hardly ever been brought into the discussion, despite the fact that for many Italian cities they constitute a major source for the eighth, ninth and tenth centuries (La Rocca 1986). It is worth asking, first, what light charter evidence throws on the alleged contrast between the Lombard and Byzantine territories (as if they were divided by a Maginot Line!). Many private charters contain references to urban houses. In the Lombard area private transactions

centre on the land and not on the buildings, using expressions such as *terra cum casa super se habente* ('the land with a house on it') (Galetti 1994). Further, buildings are described with a very restricted vocabulary, most commonly the word *casa*, usually translated 'wooden hut'. In the Byzantine charters, the lexicon is broader, sometimes referring to the different functions of the various parts of the house (*peristilium*, *coquina*, *cubiculum*). Moreover, it is often assumed that Byzantine houses, called *domus*, were built mainly in stone. If so, the consequence in material terms of 'the barbarisation of the urban landscape' between the sixth century and the ninth could be imagined as a contrast between stone and wood. But the archaeologists' excavations have shown that both the Lombard and the Byzantine areas had both wooden and stone buildings, and that while many Lombard *casae* were built of stone, many Byzantine *domus* were in fact wooden structures (Gelichi 1994). The evidence – or rather the interpretation – of the archaeological data does not match that of the written charters.

A more promising route, perhaps, is through examination of the charter evidence to understand which elements were perceived as significant ways of expressing the articulation of the town, and the difference between public and private spaces. This means looking for variations in the formulae used to describe and locate urban land. Variation does not directly imply material difference, and it is certainly related to the status and social level of the 'documentary authors' promoting the transaction. Yet while the image of the town provided by private charters is no straightforward mirror of reality, neither is it the mere reflection of stereotyped formulae. Take first, then, the terminology used to locate land and houses within a city. In eighth- and ninth-century Verona (La Rocca 1986), a charter will simply mention *casa mea infra civitate* ('my house within the city') without giving any further detail. This is the case in charters of the great rural landowner Engelbert of Erbé (846), of Wartus *vassus domini imperatoris* (853), and of Bishop Audo (855). But the reason for such an unspecific way of locating a house was not that the city was otherwise empty: rather, it was the high social status of the owner that was perceived as the essential element in identifying his house. In sharp contrast to this apparent topographical indifference, the lists of witnesses to the same charters show that, at least during the Carolingian and post-Carolingian periods, Verona city-dwellers identified themselves not simply as *de civitate Verona*, but specifically as belonging to different parts of the city. Thus witnesses' names could be accompanied by locative references such as *de porta pontis* ('of bridge-gate'), *de fontana* ('of the fountain'), *de Arcu* ('of the Arch'), *de subtus Arena* ('from by the Arena'). None of these locations refers to any juridical or administrative division of the city: they are purely topographical indications, showing the formation of neighbourhood groups within the city, their identity defined by a physical feature in the urban landscape. Very seldom do these topographical details refer to ecclesiastical buildings, as we might have expected. Instead, they refer to various kinds of classical buildings, or to their ruins: the four city gates of St Firmus, St Stephen, St Zeno and St Mary in Organo, the city wall, the towers of the city wall that were still standing, new and old public palaces, the ruined theatre, were all used to define the people who lived near them. It is obviously impossible to assess how far Roman architectural remains such as the *ante-voltus* (forecourt in front of an ancient vaulted building), the *murus longus non longe ab carcere* ('the long wall not far from the prison'), or the *Arcus* (triumphal arch) had in fact been preserved. The interesting point is that these buildings, even if no longer in use, were fully part of the urban landscape, and had their nicknames which were

shared by the city-dwellers. With Verona acquiring a special importance as *sedes regia* (royal seat) during the reign of King Berengar I (Rosenwein 1996, 1999: 145–147), we witness a new collective awareness associated with a group identity acquired through physical proximity to ancient remains.

It is not just in the witness lists of charters that the informal topography of Verona is apparent. Compared with the charters written for public officers or bishops, which were characterised by their brevity, the majority of urban transactions are very precise indeed. They mostly concern sales or donations of very tiny portions of land, whose location within the city is always very clearly specified. These charters also include the precise size of the piece of land, with measurements for each of the four sides, and their boundaries, that is, the names of the owners of the houses next to the land in question. This need for precision is the most evident sign of insecurity and negotiation: the listed names of the neighbours, most of whom were in fact relatives, suggest that such charters were the result of an agreement within a group of kin whose appearance in the written document underscored their final agreement to the transaction itself. Such precise indications relate especially to the long series of small donations made to the male monastery of St Mary in Organo, which was the traditional recipient of urban munificence. By an interesting contrast, the episcopal church seems only to have received pieces of public and aristocratic land, and these were, as we have seen, very vaguely described.

Turning from charters, we can look briefly at literary sources. Here the image of Verona as a city whose space is densely occupied and perceived as a multiplicity of areas inside the city walls, each individuated by a physical feature that was quite possibly ancient, is not only confirmed but acquires an institutional prestige. The famous *Versus de civitate Verona*, composed by a member of the cathedral clergy at the beginning of the ninth century, describes Verona as a ‘public city’, the *regia sedes* which is the residence of Pippin, Charlemagne’s son and sub-king of Italy. The city’s topography is articulated as a list of the prestigious Roman public monuments: the theatre, the amphitheatre, the forum with its seven temples, the city gates, the city walls, which are the witnesses of continuous public concern for the classical past. These monuments are protected by a series of ancient churches standing outside the Roman walls, which preserve the shrines of local martyrs, giving holy guardianship to the royal town. In this poetic description, the city is not a physical image, but a juridical and public one: it is in the *civitas* that public power shows its material and monumental force, and holy protection gives this force its special identity (*Versus de civitate Verona*).

The ‘empty’ city of aristocratic charters with their houses and land situated *infra civitate*, the fully settled city of the monastic charters with its land divided into tiny fragments that are listed, measured, bordered by streets and houses and by lands of other owners, and the imaginatively described classical city protected by churches where the Carolingian king lives: these, then, are three images and perceptions of an early medieval city during the eighth and ninth centuries. The images coexisted. They gave to the various groups of city dwellers their position and role within the city. At the same time, those images, and the boundaries they implied, were used to distinguish the people who lived inside or next to the city walls from the others who did not. Even in Lombard northern Italy, even if living in a wooden hut and walking on muddy streets, the men and women *de civitate Verona* were perfectly conscious of being part of a city.

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CHAPTER TWENTY-NINE

ASSEMBLY POLITICS IN WESTERN EUROPE FROM THE EIGHTH CENTURY TO THE TWELFTH



Timothy Reuter

The phrase ‘assembly politics’ in the title is deliberately ambiguous: it refers both to politics conducted *through* assemblies and to politics conducted *at* assemblies. To address this apparently narrow theme is in fact to address a much wider problem: as we shall see, it was mainly at assemblies that early and high medieval polities were able to act and indeed to exist. ‘Polities’ and ‘politics’ are here merely neutral signifiers for past human activities to which we would probably apply similar terms in our own societies; their use does not imply that prominent lay and ecclesiastical personages in this period conceived of *any* of their activities as ‘politics’ or of the *regna* within which they operated as ‘polities’.¹ Indeed, to make that point is precisely to raise the issue of how we are to avoid anachronism in dealing with our remote pasts. The principal approaches on offer duck this difficulty. We can write conventional political history for this period by casting it as accounts of the strategies and tactics pursued by the principal actors in their attempts to acquire and retain and enhance their power and of the ways in which these attempts conflicted with each other. But if we do this we shall smooth out the lumpiness of the past. Conventional political history presents rulers and ruled as engaged *continuously* in political activity and calculation: our sources may not so present them, but the narrative strategies implicit in such writing will reframe the past to make it look like this, just as actors in a film – unless it is very experimental indeed – are assumed to be and implied as being engaged in action even when they are off camera.

To shift from political to constitutional or institutional history avoids this difficulty at the cost of introducing others. The lumpiness of the past appears to be recovered, because the rhetoric of constitutional history lies precisely in investing some past activities with more significance than others. But it is a lumpiness derived more from present reification than from past reality. The patterns of behaviour of rulers and ruled – if patterns are what they really were – are abstracted, to be reinscribed in an implicit grand narrative of ever-thickening institutionality. The result is all too often a grand narrative which does not entirely ensure suspension of disbelief.

We may recall Karl Leyser's devastating critique of a century of constitutional historians' work on the Ottonian polity:

The older school assumed – with some exceptions – the state and a volume of government without asking very precise questions of how it worked from day to day. It was in its abstractions a shadow-history of institutions that did not really exist.

(Leyser 1982b: 80)

That criticism is perhaps particularly easy to make of Ottonian *Verfassungsgeschichte*; but it is arguable that even the constitutional or institutional history of a more formed and focused polity like England presents related difficulties, if not such extreme ones: the degree of abstraction and reification in recent surveys such as those by Henry Loyn and Lewis Warren on the *Governance of Medieval England* is high (Loyn 1984; Warren 1987). It would be wrong to deny altogether the existence of 'governance' in the world they are writing about, yet it is still hard to accept that this was all that the relationship between rulers and the political community was about.

Assemblies are a prominent feature of most contemporary accounts of this relationship, yet medievalists are inclined to take them more or less for granted. We are interested in their course and outcomes, but we are rather less interested in their form and function, though both were of great importance in the period selected for discussion here. The starting point is somewhat arbitrarily chosen, but although assemblies did not suddenly come into existence in the eighth century, we rarely get enough sense of their flavour and function in the preceding period to be able to say convincing and coherent things about them. The closing point, around 1200, is clearer: it is marked by the shift from assemblies to proto-parliaments and other kinds of representative institutions, which takes place from the 1180s in Spain, from the early decades of the thirteenth century in England, slightly later in France, and as usual rather differently and belatedly in Germany (Bisson 1982).² By around 1200 also we have clearly begun to move towards a world in which political interaction was no longer confined to assemblies; governments were increasingly governing continuously rather than in brief spurts. It is possible also that people's attitudes changed from the thirteenth century onwards: to speak one's mind at assemblies shifted from a duty to a right, perhaps even a pleasure, though this may be an illusion created by increasingly prolific source-material.

Although a constitutional historian's approach may not necessarily be the most profitable one, there are certainly questions about assemblies which can be framed in such terms and which still need satisfactory answers, in particular questions about the frequency of and the participation in assemblies. By the end of the twelfth century, rulers such as Henry II and Frederick Barbarossa were holding assemblies several times a year (Schimmelpfennig 1996: 89–90). Had this always been the case? Obviously there are problems here of evidence and definition. The terminology used for such meetings in our almost exclusively Latin sources is very variable, but it includes: *placitum* ('plea') and *curia* ('court'; both terms often imply a judicial meeting, but are not confined to such a usage); *colloquium* ('conference') and *conventus* ('gathering'); *concilium* ('council') and *synodus* ('synod'; both terms mostly used of

ecclesiastical assemblies, but again not exclusively so); *magiscampum* ('Mayfield', in the eighth and early ninth centuries); *exercitus* (literally, 'army').³ The problem is not so much that of uncertainty about whether contemporaries meant subtly differing things by their varied terminology, as that of deciding whether we should call something an assembly when we happen to know about it only from kinds of evidence which do not bother to apply a term to it at all.

The problem can be nicely illustrated by considering a related kind of meeting, church councils. Tenth-century church councils in West Francia or France hardly ever issued legislation, so we know about them largely from charters issued at them. Some of these explicitly refer to the meetings at which they were issued as synods, others do not, but there is no reason to suppose that these differences reflected a real difference in how the meetings were perceived at the time (Schröder 1980: 13–32). When we come to deal with secular assemblies the problem is still greater, because the charters issued at these were issued by kings, not by episcopal collectives. For the period before the later eleventh century, royal charters in Europe rarely had witness-lists. In theory at least, since they were their own authentication and were unchallengeable as to substance, they did not need them (Bresslau 1912: 642–6; Bresslau 1931: 202–4).⁴ In consequence, royal charters may well have been issued at assemblies (and we know that they often were), but they frequently do not tell us this, nor do they normally tell us through their witness-lists about who was there. The one substantial exception to this generalisation, Anglo-Saxon England, simply presents us with a different set of problems. Not only are there uncertainties about the authenticity of royal charters on a scale long since eliminated elsewhere in Europe; Anglo-Saxon diplomata did not in any case usually bear full details of their date and place of issue, so even where we feel reasonably confident about the authenticity of a particular charter (or at least of its witness-list), we cannot necessarily convert the information it provides into information about an assembly held at a specific time and place (Keynes 1981: 126–34, 232–4). For our knowledge of assemblies and their participants across Europe we depend more and more, as we go back in time, on narrative sources and on casual survivals of legal material such as law-codes and capitularies.

By way of compensation we have some evidence of past norms from earlier periods. Both for Anglo-Saxon and early Anglo-Norman England, and for the Ottonian and Salian *Reich*, we have good reason to suppose that rulers regularly held large gatherings at the three great church feasts of Christmas, Easter and Whitsun, at which they may also have worn their crowns in state.⁵ Even in the Carolingian period, the way in which annalists from the time of the Royal Frankish Annals onwards often record the places where rulers celebrated Christmas and Easter suggests that this practice was not a post-Carolingian invention. Celebrating church feasts does not in itself imply a large gathering; but crown-wearings almost certainly do – there is not much point in wearing your crown among a small circle of close friends, immediate family, and the local bishop. This is all the more true when a ruler needs what Brühl has termed a *Befestigungskrönung* ('confirmatory coronation') after his legitimacy has been impinged on (e.g. Louis II in 871 after his capture by the Beneventans, or Stephen's crown-wearing in 1146 at Lincoln, where he had been defeated and captured in 1141, or Richard I's after his return from being held for ransom in 1194). But it also holds under more normal circumstances, as can be

seen from the descriptions by William of Malmesbury of the crowds at William I's assemblies (Biddle 1986: 51–2).

Also from the Carolingian period, we have Hincmar of Reims's claim – or that of his source – in his account of Carolingian royal government, *De ordine palatii*, that there would normally be two assemblies each year in Carolingian kingdoms, one a general one and one a more specialised preparatory one attended only by the most important men of the kingdom and the ruler's chief advisers (Gross and Schieffer 1980: 82–5).⁶ There has been a good deal of rather inconclusive debate about this statement. The real problem is that although Carolingian assemblies are quite easy to identify, because they punctuate the accounts of the principal eighth- and ninth-century annalists, it is rarely possible to say anything much about who attended them and on what scale (Waitz 1883: 563–78; Seyfarth 1910: 78–81; Weber 1962: 75–84; Rosenthal 1964; Ganshof 1968: 21–3). However, Hincmar's statement that there was one general assembly a year in the Frankish realm lines up well with an institution of an earlier period, the Marchfield, the annual assembly of the Frankish 'nation in arms' in early March. There has been a tendency in recent years to deny that the Marchfield existed and to argue that there has been a confusion with a 'field of Mars' (i.e. of war) (Lévillain 1947/8; Wallace-Hadrill 1962: 95, n. 1; Bullough 1970: 85 and n. 3; Bachrach 1974). But to argue this is to overlook a large body of evidence which suggests that seventh- and eighth-century Franks did indeed think that there would be a major political assembly on 1 March, not least the fact that when the assembly was moved to May in the mid-eighth century it immediately changed its name to 'Mayfield'. This does not, of course, mean that this happened each and every year; early medieval politics simply did not work like that.⁷ It means merely that there was a general, other-things-being-equal assumption within the political community that there would be one at that time unless there was some reason either for not holding it or for holding it at some other time. If we take this point, we can see that Hincmar's apparent belief that there would be one general assembly a year represents a continuity in the ninth century of older Frankish practice. That the origins of continental royal assemblies are to be found in a military-political gathering also ties in with the observation by Thomas Bisson and Karl Leyser among others that the boundaries between assemblies and armies were often blurred – even peace-time assemblies sitting in judgement could be called *exercitus*, while the verbs used in Latin sources for the summoning of assemblies are those used for the summoning of armies (Bisson 1966; Leyser 1994b: 62).

Already we are faced by questions about definition and participation. If in the Frankish world there was an understanding that there would be a general assembly at least once in the year, normally in the spring, but there was also an understanding that the ruler would appear 'in state' at the times of the great church feasts, then we evidently have different kinds of assembly, or at least meetings which we should call assemblies, at different times. In practice we can probably not define assemblies more closely than by saying that we are dealing with one whenever the ruler had in his presence a substantial number of people who were not permanent members of his entourage, though there is an element of circularity about that definition which is probably inescapable (Lindner 1990; Schimmelpfennig 1996). It is important to note that such meetings were not confined to *regnal* communities. Princes with quasiregal status might also hold them, and lower down the scale the shire-meetings held

regularly in late Anglo-Saxon and Anglo-Norman England, or the *mallus publicus* held regularly in Carolingian and post-Carolingian counties, might be thought of as local assemblies, at which a local or regional political community came together in much the same way as a regnal community did at a royal assembly (Fleming 1995; Schmidt-Wiegand 1984; Anstey 1947).

How such meetings were made known and called into being is largely unanswered and perhaps largely unanswerable questions. People were sometimes summoned, though this is not an activity which has left much trace in the surviving sources (Waitz 1896: 428–3). We know from Carolingian and east-Frankish/German evidence that if summoned either to a royal or to a local assembly you were indeed expected to turn up.⁸ But were members of the political community entitled to turn up, even if they had not been summoned, to an assembly they knew was about to take place? At least in the Frankish and post-Frankish world there seems to have been a pragmatic distinction between general assemblies and assemblies by invitation. Hincmar refers to such a distinction, as we noted earlier; but in the eleventh and twelfth centuries meetings of all kinds, both secular and ecclesiastical, were often called *frequens*. This seems to have meant not that they were held often but rather that they were ‘well-frequented’. Sometimes the word seems to imply the assembly was of a kind which anyone who wanted could attend, and that presumably implies that there were assemblies of other kinds.⁹ What is clear as a basic rule of political etiquette is that those who *had* come, whether explicitly invited or not, could not depart without the ruler’s leave – though it would be hard to say how far down the socio-political scale this obligation went (Reuter 2001: n. 27).¹⁰ To depart early or without leave, as Becket did from the council of Northampton in 1164, was to make dissatisfaction and opposition clear (Reuter 2001). Equally, on the rare occasions when a ruler left an assembly early or without a formal concluding ceremony, as for example Henry IV of Germany did in the summer of 1073, or Henry II of England did at the end of the council of Westminster in October 1163, this was a means of showing displeasure (Lohmann 1937: 31–2; Reuter 2001: n. 17).

A further point about participation is that assemblies, even when ‘regnal’ rather than ‘principal’ in character, often seem to have had a regional catchment area. We can see this in the practice of West Saxon rulers in the tenth century of holding meetings very often in locations along the Thames, presumably to facilitate attendance by Mercian magnates, now notionally part of the kingdom but still in a sense not wholly of it (Hill 1981: 85–92), or in the way in which successive rulers of the east Frankish/German polity held assemblies at Regensburg for Bavarians or at Worms and the mid-Rhine region for Suabians – and in the twelfth century, when the centre of political gravity of the *Reich* had shifted southwards, of holding assemblies at places such as Fulda for Saxon magnates (Mayer 1959; Müller-Mertens 1980: 210–21; Müller-Mertens 1992: 318–22). The principle appears to have been that you summoned assemblies to an appropriate place on the edge of your own core region when encouraging attendance on a scale larger than usual from those whose power lay outside that core.

More could be said about these issues, and about venues (for larger gatherings, assemblies were often open-air meetings with accommodation in tents, but royal and ecclesiastical palaces were also used). However, to examine assemblies simply on the basis of frequency and composition would be to ignore some of their most

crucial features. We need to consider the style of interaction at assemblies: to turn from who and when to how. We then need to turn to the what, in order to ask why assemblies were so important. By taking the how and the what together we can try to answer the question more holistically than can be done simply by listing their various functions. How did assemblies actually operate? One of the curious features of the subject is that for most of the period covered and most of the area covered we know surprisingly little about this. Those who are most familiar with English history would probably suppose that the richness of late-eleventh- and twelfth-century accounts of assemblies under rulers from William II to Richard I is the norm. But it is not; indeed, if this had been more widely realised there might have been more analysis than there has been of how assemblies operated, based precisely on these accounts of trials and meetings from Anglo-Norman and Angevin England. From other periods and regions there is much less: Widukind and Thietmar, for example, tell us a fair bit about the electoral assemblies of 936 and 1002, but not much about other occasions; Richer offers us a brilliant rhetorical set piece about the 987 election, but does not tell us much about the dynamics of this or other similar occasions (Leyser 1994c: 174–7; Latouche 1930–7: ii. 150–63). That does not mean that we cannot say anything – there is a great deal we can piece together from fragmentary evidence – but merely to point out that what we should think of as full accounts of assemblies are much rarer than one might think. This appears to be true also of the Carolingian era. Here, for example, is Hincmar, wearing his annalist's hat, on the 864 assembly at Pîtres, one of the defining moments of ninth-century west Frankish rulership and one with whose staging and scripting Hincmar had a good deal to do.

On 1 June at a place called Pîtres, Charles held a general assembly, at which he received not only the annual gifts but also the tribute from Brittany . . . he ordered fortifications to be constructed there on the Seine to prevent the Northmen from coming up the river. With the advice of his faithful men and following the custom of his predecessors and forefathers he drew up *capitula* to the number of thirty-seven, and he gave orders for them to be observed as laws throughout his whole realm.

(Nelson 1991: 118)¹¹

This is fairly typical except in its fullness. It tells us what was done, but not how it was done. Even the more detailed accounts of assemblies which we possess in general deal with specific aspects: for example, with their functions as courts, or as electoral bodies. To get at some of the more general features of their behaviour we have to dig deeper.

Once again, there is a significant parallel for our topic in the study of church councils. Until comparatively recently these have been perceived by church historians as black boxes. We know pretty well what a council is – an assembly of prelates – and we know what the products of a council look like – a set of canons. So unless there happen to be records of debates at such councils (which are then examined primarily for their subject matter rather than for what they tell us about the way in which debates took place) we can take the details as read. Recent research, however, culminating in a comprehensive edition of the *Ordines* for celebrating a council (Schneider 1996), has shown that councils were in form primarily liturgical

occasions. The ultimate biblical basis of conciliar activity – Christ’s statement that wherever two or three are gathered together in my name, there I shall also be – was given constant and staged liturgical expression at councils in this period and beyond, from small diocesan synods up to major councils of the Latin Church as a whole.¹²

Now we cannot simply equate assemblies with councils, though the boundaries between the two could be fluid across much of the area and period we are concerned with: the later Carolingians made some attempt to draw a clear line, as Charles the Great and Louis the Pious had not (Hartmann 1989: 7–10; Ganshof 1957: 27–8), but it is hard to perceive in the Ottonian Reich, and even harder in Anglo-Saxon England (Wolter 1988: 482–9; Oleson 1955: 91–100; Vollrath 1985: 10–18; Cubitt 1995: 44–59). What is important is that we should perceive assemblies as staged occasions. They were not simply gatherings which came together and proceeded on a pragmatic and *ad hoc* basis according to what was necessary; they were, as Thomas Bisson has pointed out, moments of celebration and persuasion (Bisson 1982). Much of this celebration will have been liturgical: no assembly, except in the most exceptional circumstances, without the Eucharist, though there is a clear distinction to be made between councils, which were in themselves complete liturgical moments, and assemblies, which included liturgical elements without being defined or wholly constrained by liturgy, though they were held frequently enough at liturgically significant points of the year (Sierck 1995; Schaller 1974). Elements such as processions, litanies, *laudes*, and the reception-ceremony known as the *adventus regis* are mentioned only rarely in narrative accounts of assemblies, and of course there were no *ordines* to lay down their place in a set of stage-directions. But these things are mentioned frequently enough to make it clear that they were a natural and standard part of such gatherings. Otto I’s last assembly, spread between Magdeburg and Quedlinburg, was punctuated by processions to church in which Otto – as was his custom, we are told – was accompanied there by bishops and back (to a meal) by a great crowd of ecclesiastics, dukes and counts, while at the end of our period Becket, arriving late for the council of Northampton in 1164, found Henry II at Mass (Holtzmann 1935: 76; Reuter 2001). Where they are not mentioned, this is more probably because they were taken for granted by writers and their audiences than because they did not take place.

Of course, to point to elements of staging and of ritualised or symbolised collective behaviour is not necessarily to deny the existence of more *ad hoc* and less structured elements. As Philippe Buc has warned, when reading texts about complex rituals we must be careful not to assume that the latter were widely understood and performed: such rituals might lie only in the dramatic imagination of the author and the modern reader (Buc 2001). Nevertheless there are ways of ‘reading’ these gatherings which legitimately treat the layer of staging and symbolic action as transparent and go through and beyond it. Anyone familiar with meetings of an analogous kind in our own culture (for example, meetings of political parties at all levels, parliaments and councils, boards of firms or universities or hospital trusts) will know that these too are staged occasions with their own rituals and expectations, but will also know that that does not preclude either the unpredictable, or the open and often quite unstructured debate, or even conflict. Yet our culture expects and allows for these: we accept the existence of staging and ritual in our gatherings when it is pointed out to us, but we perceive them primarily as places of functional

interaction. Participants in assemblies in the period we are dealing with here probably saw the staging and ritual as primary, and were more troubled than we might be when consensus and unanimity failed to materialise. Recorded examples of open conflict suggest that these were rare and shocking events. When Otto of Wittelsbach was so provoked by Rainald of Dassel's translation of a papal letter to Frederick Barbarossa at the assembly at Besançon in 1157 as to draw his sword and threaten the papal legates (Waitz and von Simson 1912: 176–7); when Anselm and Becket found themselves facing not so much an assembly acting as a judicial body as a group of royal supporters threatening to become a lynch mob (Barlow 1983: 338–42; Barlow 1986: 111–15; Knowles 1970: 94–100; Reuter 2001); when Conrad II was so disturbed by the behaviour of his son and the bishop of Freising at an assembly in 1035 at which the fate of Duke Adalbero of Carinthia was to be decided that he broke into an uncontrollable outburst of rage (Bulst 1949: 49–52, no. 27; Heidrich 1971; Althoff 1997b: 41–3)¹³ – these were not normal events. They were disruptions of the expected course of assemblies which produced powerful collective efforts to restore the harmony which had been disturbed.

What lay behind these attitudes is something which has been explored by Gerd Althoff in a number of recent studies. Althoff's conclusion, which can be extended well beyond the accounts of political action in the tenth-, eleventh- and twelfth-century *Reich* on which it is based, is that we are dealing with polities which collectively feared and shunned open expression of conflict or disagreement (Althoff 1997c). They did so because they lacked a language in which conflict or opposition could be expressed in a controllable form. To oppose, or to contradict in public, was to insult; and to insult, in a society in which the protection of one's honour was the trip-wire defending the protection of one's property and rights and hence one's power and standing, was to invite feud. The characteristic form of public political action was therefore not that of transparent mediation between divergent interests or claims openly expressed, but that of opaque ritualised behaviour symbolising closure and reaffirming an order which should if at all possible be seen not to have been threatened.

This applies to the little things as well as to the big ones. Althoff, I and others have spent some time on showing how rebellions were ended in the *Reich* by acts of ritualised submission and surrender, and these insights are certainly applicable to other regions of Europe besides the *Reich* (Reuter 1991b; Althoff 1997d; Althoff 1997e). The Becket conflict, for example, as I have shown elsewhere, was initiated by open disruptions of order and consensus at assemblies, of a kind which caused both sides to feel an almost irredeemable sense of injury: the difficulties and delays in bringing about closure in the dispute reflected the problems of agreeing on the stage-management of closure (Reuter 2001). But matters which might well be less controversial in content, from appointments to bishoprics, abbacies and high secular posts down to the granting of privileges appear also, when we have enough details to judge, to have been for preference carried out, suitably staged, at assemblies.

Staging of course implies stage managers and directors. Unlike the contemporary Byzantine and Islamic polities, and unlike more distant worlds such as imperial China, stage-management did not take the form of pre-established but nevertheless flexible and manipulable rituals governed by tradition recorded in written form and its expert and literate guardians. The relatively low level of literacy and formal

education among the political elite meant that a discourse based on reference to written records of rituals – reference either as conformity or as deliberate and conscious extension, transgression, allusion – could not develop at this time, as it undoubtedly did in western Europe from the fourteenth century onwards (Reuter 1998: 369–71). Stage-management in this period meant rather the agreement of terms and forms by intermediaries. Conflict resolution in particular required *internuncii*, people who were trusted by both sides and who could arrange the precisely nuanced terms in which subsequent closure could be publicly expressed as well as guarantee with their own honour and persons the settlements so reached (Althoff 1997b: 30). If we look closely at the accounts of the most prominent political crises and discords of the period, whether we are considering the disruptions to imperial order of the 830s and 840s or the dispute between Henry IV and Gregory VII, or the Becket dispute, we find intermediaries beavering away, both before and during the assemblies at which such disputes were principally conducted.¹⁴

There is also evidence for a sphere of more private consultation, at which things could be said which could not possibly be said in ‘public’. It is a feature of such detailed accounts of assemblies as exist that they frequently refer to demands by individual participants to break for consultations. Archbishop Conrad of Mainz, asked by Alexander III to accept Salzburg rather than be restored to Mainz as part of the settlement of the schism at Venice in 1177, requested an adjournment and ‘took counsel with his friends’ before agreeing, and this was a typical not an exceptional case (Arndt 1866: 455). To argue that the language in which politics was publicly expressed was one of carefully staged spontaneity does not preclude the use of the language of political calculation in other contexts: we find this at odd moments in letter-collections, and we find it also in accounts of *colloquium familiare* and *colloquium secretum*, terms which mark a contrast between private meetings and the public colloquies at which the language of political calculation would have been completely out of place.

When we move on from looking at the ways in which assemblies operated to consider what they dealt with, it becomes clear that – with the exception of military campaigns, though these were often enough a kind of assembly on the march – the major issues which concerned early and high medieval polities were treated mainly or exclusively at assemblies: legislation; diplomacy; court hearings for the political elites; military planning; any kind of consultation about the state of the realm.

Assemblies were the places for promulgating legislation or sub-legislative instructions. This is how Charles the Great and Louis the Pious and Charles the Bald behaved (Ganshof 1957: 35–40, 52–62; Hannig 1982; Nelson 1992), and their example was imitated by the hegemonic rulers of Wessex after its early-tenth-century Carolingianisation (Wormald 1978; Wormald 1999). The decline in importance of legislation across most of western Europe in the post-Carolingian era meant the decline of this aspect of assembly functionality, but it was not transferred elsewhere, and when secular legislation revived in the course of the twelfth century it was in the main at assemblies that it was proclaimed, whether in the *Landfrieden* of Henry IV, Frederick Barbarossa and Louis VII or in the assises of Roger II of Sicily and Henry II of England (Wadle 1986; Leyser 1994g: 151–3; Hudson 1995: 255 with n. 4). Even when rulers or those acting on their behalf began to promulgate legislation in a more proto-absolutist fashion, it was still in the main presented as

the product of a ruler sitting amid the regnal community. The term often used in the twelfth century, 'assise' in its Latin and vernacular cognates, implies a 'session', a sitting down together (Niermeyer 1954–76: 65). It was used to clothe legislation with the authority of assembly even where it had no such origins: the earliest surviving Sicilian royal legislation purports to be the text of an assise issued by Roger II with his kingdom at Ariano in 1140, though in fact it is a learned compilation of the 1180s drawn from a variety of sources (Zecchini 1980; *Ariano* 1996; Houben 1997: 136–48; Matthew 1992: 185–8). Privileges for individual beneficiaries (churches, monasteries, major and lesser secular office-holders), which were the more normal form of 'legislation' across Europe throughout this period (Krause 1965), also seem to have been issued for preference at assemblies, though in view of their importance for our knowledge of assemblies' existence there is some danger of a circular argument here.¹⁵ Certainly the characteristic form of the privilege, at least in the Frankish and post-Frankish world, was that of a symbolic object: large enough to be visible even in a full assembly, with elaborately decorative script and highly prominent seals. Was it something to be handed over in public with suitable ceremony, perhaps including the formal reading of its contents, not simply to be collected from a chancery clerk on payment of a fee, even if a fee might need to be paid as well (Reuter 1994: 194–6; Reuter 1998: 377).

Diplomacy was scarcely conceivable in this period without a backdrop of regnal assemblies. From the eighth through to the twelfth centuries, European rulers met face to face infrequently, though when they did so this was normally at assemblies (Voss 1987; Kolb 1998). Rather, they defined membership of their exclusive club by their repeated participation in exchanges: of brides, of gifts, of ambassadors. Like crown-wearings, such exchanges would have lacked most of their point had they taken place in private. An audience was required, and assemblies provided it. It was here that ambassadors were formally received and formally given leave to return to their masters (e.g. Reuter 1992: 67, 73, 75). If they happened to turn up when no assembly was scheduled, they might well be asked to wait until one was. If they had brought gifts, it was here, in public, that the wrapping-paper was removed (Leyser 1982c: 114–17; Leyser 1994d: 81–3). If they had come to collect a bride, it was at assemblies that she would be seen off and given a kind of preliminary reception into her new community.¹⁶ The documentation of such practices is admittedly confined almost completely to regnal assemblies; but given the known tendency of great aristocrats to imitate rulers in their behaviour, and lesser aristocrats to imitate greater ones, it is probable that similar forms of public exchange and acknowledgement went on lower down the socio-political scale as well.

It was at assemblies also that disputes between members of the political community (including disputes between a ruler and members of his political community) were normally resolved. This is one of the best-documented and most-studied functions of assemblies. Characteristically, the ruler, though he presided over the assembly as a court, did not himself pass judgement: he would normally invite one or more of the more high-ranking persons present to utter the sentence, which was then both his sentence and that of the community in whose presence it had been uttered. This was true even when he was a party to the dispute: Henry the Lion was condemned by the sentence of the princes at Gelnhausen (Appelt 1985: 360–3, no. 795), while much of the difficulty in the final scenes at the council of Northampton lay in finding

someone willing and able to promulgate the sentence on Becket which Henry II was determined to have (Knowles 1970: 97–9).

Last but not least: it was at assemblies, except in cases of dire defensive emergency, that military campaigns were normally agreed on and support was raised for them.¹⁷ This is really only a specific instance of a more general principle. Any kind of consultation about what would later be called *status regni* (the ‘state of the kingdom’ or perhaps ‘affairs of state’) would normally and naturally take place at assemblies. Again, *regnum* does not here mean ‘kingdom’ alone. It is to be taken in the sense defined by Karl-Ferdinand Werner: a reasonably well-defined territorial entity with a continuing sense of political (and possibly also legal and cultural) identity (Werner 1981). As we have already noted, there is no very real difference, except in scale, between regnal assemblies and, for example, the meetings held by dukes of Normandy or Aquitaine or the counts of Flanders in the eleventh century, or the *corts* of the counts of Barcelona, or the assemblies summoned by dukes of Bavaria in 932, 933 and 990 (to name only some of the occasions we happen to know about). The distinction between regnal and princely becomes still more blurred if we take into account those assemblies held by rulers but primarily aimed at a particular regional clientele. Any ethnic or *regnum*-based political grouping could find itself and define itself at an assembly.

Moreover, it was in this form that it found collective action easiest, indeed found it possible at all: if we look back at the list just given of the kinds of things which were normally done at assemblies and difficult if not impossible to do elsewhere, we begin to realise that it was through embodying itself as an assembly that what has been referred to throughout this chapter as the ‘political community’ was empowered and enabled to practice politics. Jürgen Habermas has argued that the ‘public’, when thought of not as the antonym to ‘private’ but as a ‘principle of social order implying a permanent overseeing of state power’, was a product of the Enlightenment which did not exist and could not have existed before the eighteenth century (Habermas 1962: 17–21; cf. Althoff 1997d: 229). As a statement about the medieval and early modern past this is highly problematic, but, as so often when sociologists venture beyond the recent past, they frequently sharpen our own perceptions even when we find that we cannot accept theirs. For our period it would be truer to say that there was indeed a ‘public’, but it was a public which did not, except perhaps at moments of great crisis and heightened tension, have a permanent existence: it came into being at assemblies, and dissolved again when they ended. So indeed did politics of any kind to a great extent:

Agriculturally and liturgically, the year moved continuously, if at varying pace, around its cycle; politically, time froze except on campaigns and at assemblies. It was here, for the most part, that movement and interaction were possible at all. Assemblies were not merely occasions when the ruler could represent himself as a ruler in the flesh; they were almost the only occasions when the polity could represent itself to itself. Outside the assembly there were the local politics of feud and *convivium*; but only at the assembly could this centreless polity define itself, and it did so in terms of the ruler. This in the last resort was how the secular magnates within the *Reich* saw themselves.

(Reuter 1998: 378–9)

That passage refers specifically to the Ottonian *Reich*, but it might be thought to apply more generally: even smaller units such as dioceses and principalities could scarcely function except in this way, coming together at diocesan synods and local assemblies (moots, *things*, the comital *mallus*). In a world largely lacking transpersonal permanence, an ongoing public sphere, and adequate communications, virtually everything of importance had to be settled face-to-face, from conflict resolution through to the reception of ambassadors and the appointment of office-holders. Formally, it was the ruler who summoned assemblies and they were his assemblies; but if he had not existed the polity would have had to invent them. Indeed, up to about 1200 in most parts of western Europe it was precisely when the king ceased to exist that polities did have to invent their own assemblies. Unless a deceased ruler was succeeded by an adult son already confirmed in office (and often even then), an assembly had to be held to determine the succession to a kingdom or principality. By contrast, it was a sure sign that a ruler who was still alive was in serious political trouble when his leading men began to summon and meet in assemblies for themselves; such behaviour meant that he might well cease to exist, as a ruler, and, if really unlucky, as a person as well (Giese 1979: 149–54, 186–91; Holt 1992: 225–36).

Although 1200 has been chosen as a stopping point, it should be noted that even in the later twelfth century, when elements of a more modern kind of polity were clearly visible, western European kingdoms still offered such moments of celebratory or solemn coming together as much as they ever had. We can see these in the great meetings held by Henry II at Clarendon and Northampton in the 1160s, or at Westminster in 1176, when embassies from all over Europe arrived and his daughter Joanna was sent off to her husband, William II of Sicily (Warren 1973: 143), or in Louis VII's meeting at Soissons in 1155, at which a general peace was proclaimed – indeed, the increase in 'regnal' meetings under Louis VI was a sign that the Capetian kingdom was becoming a genuine kingdom once more (Bournazel 1975: 134–43, 157–61). It is visible not least in the two great assemblies held by Frederick Barbarossa in 1184 and 1188, the first to mark the knightings of his two eldest sons, the second, the 'assembly of Jesus Christ', to proclaim a new crusade following the fall of Jerusalem. With the first, much discussed by historians (Linder 1994; Fleckenstein 1972; Moraw 1988), we are evidently in the world of the great feasts marked by conspicuous consumption and competitive representation so characteristic of later medieval and early modern Europe; yet there is significant continuity here from the Carolingian era through to the eve of the new era in which such assemblies would merge imperceptibly into parliaments (while retaining much of the celebratory and consciousness-enhancing elements of the old assemblies).

The slow transformation of this assembly-dominated world needs a few words at the close. Earlier it was suggested that assemblies had begun to take on a rather different function from the late twelfth century onwards. Certainly they did not disappear; but they were now coming to be set in a context of more continuous political activity. Kingdoms and principalities in thirteenth- and fourteenth-century Europe were no longer defined solely by and at those moments when their stakeholders met together. The growth of courts (meaning permanent or semi-permanent royal entourages) and of residences, the thickening networks of homogenous judicial and administrative institutions, and last but not least the development of transpersonal conceptions of the polity, all meant that assemblies (whether 'representative' or not)

were slowly transformed into functional parts of a larger whole, rather than being the occasions at which the larger whole changed from being virtual to being real.¹⁸ But in the period we have been concerned with here, they had been precisely that.

This chapter has obviously blurred a lot of distinctions which a more extensive and detailed study would need to refine and make more explicit. It is clear, for example, that the Anglo-Saxon and Anglo-Norman polities, though showing many similarities with their continental analogues, were subtly different, in ways which still have to be properly explored. It is also clear that most of the evidence and examples for this chapter have been drawn from those parts of Europe where people cook with butter rather than olive oil, mainly because in this period the olive-oilers showed themselves much more reticent about narrative interpretation of what they were doing. It may be that Italy and the polities of Christian Spain are not quite adequately covered by the generalisations offered earlier. Elsewhere we may also assume or suspect regional differences, and again the varied survival of evidence may well have elided them for good. Not much can be said before the twelfth century about Scandinavia and Sclavinia, though some material is offered by *Sverrissaga* and the more contemporary sections of *Heimskringla*, as well as by Cosmas of Prague and Gallus Anonymus. But even if what has been said applies more strongly to transalpine Europe's Carolingian and post-Carolingian core than to other regions, this is still a great deal of Europe, and it represents a substantial and significant part of Europe's political practice in the early and high Middle Ages.

NOTES

- 1 On the limited degree of conceptual abstraction in political thought in this period see Nelson 1994: 65.
- 2 On parliaments see Moraw 1989, who stresses how long it took for the *Reichstag* to develop out of the *Hoftag*; Blockmans 1978. Fundamental on the self-realisation of political (and other) communities in this period is Reynolds 1997.
- 3 For the terminology see Niermeyer 1954–76: cols. 201–2, 235, 270, 288–90, 392, 801–4; *Mittel-lateinisches Wörterbuch* 1968–1997: cols. 866–7 (*colloquium*), 1175–7 (*concilium*), 1822 (*conventus*); Latham and Howlett 1975–97: 383, 419–20, 479–80, 537. See also Waitz 1883: 563–4; Ganshof 1968: 22–3.
- 4 Witness-lists do not become common until the early twelfth century in Germany, rather earlier in France (cf. Lemaignier 1965: 42–78). Their function was to some extent fulfilled in earlier royal charters by the names of those who 'intervened' to further the transaction; cf. Bresslau 1931: 193–201; Faußner 1973: 388, 435–6; Gawlik 1976. Royal charters that confirmed the privileges granted by earlier kings had the effect of conferring legitimacy on present rulers. It has been argued (Kozioł 2012) that the presentation of such charters had a performative aspect, likely to be staged at assemblies.
- 5 For the Anglo-Saxon and early Anglo-Norman rulers see Biddle 1986; for Ottonian practice see Hüschner 1993. On the practice of crown-wearing see, besides Biddle, Brühl 1989b; Jäschke 1970; Brühl 1989c; Ott 1998.
- 6 On Hincmar's use of an older work by Adalhard, see *ibid.*: 11.
- 7 For discussions of the actual timing of assemblies in the Frankish realms see Seyfarth 1910: 62–71, 87–99; Weber 1962: 68–72; Rosenthal 1964; Sierck 1995: 276–322. The tendency to hold assemblies at particularly significant points in the liturgical year (major feasts as well as the triad of Christmas, Easter and Whitsun) has been particularly stressed by Sierck.
- 8 Cf. Mitteis 1927 and Reuter 1991b: 319–25, on the role of contumacy/non-appearance in 'political' trials. At a rather lower level, note the use of the verb *admallare* (to 'encourt'): Niemeyer 1954–1976: 20. For participation in thirteenth-century county courts see Coss 1991: 4–5.

- 9 Cf. Wibald of Stavelot's letter to Anselm of Havelberg in late 1149: 'Curia futura est Bavemberch, non tamen frequens, ad quam familiariter venire iussi sumus' (Jaffé 1864, 330, no. 211).
- 10 For a ninth-century example see Nelson 1991: 119 (864).
- 11 For Hincmar's role see Nelson 1993. See also Hannig 1982 on the relationship between Frankish rulers and followers at assemblies.
- 12 Matthew 18: 20, cited in two of the most influential early *ordines* edited by Schneider 1996, nos. 3 and 7 (pp. 210, 311).
- 13 See more generally Althoff 1998 and other contributors to Rosenwein 1998 on 'demonstrative' royal anger.
- 14 For intermediaries see Althoff 1997a: passim; specifically on the Carolingian civil war, Lauer 1926: 68–74 (attempts at mediation before Fontenoy), and 92–4 (peace initiatives of late 841); on intermediaries at Canossa, Reuter 1991b: 322–3 and Althoff 1997d: 240–4; on their role in the Becket conflict, Reuter 2001.
- 15 See the discussion summarised above, at n. 4.
- 16 As for example Joanna of England in 1176 (Warren 1973: 143). For a very early example in Gregory of Tours, see Krusch and Levison 1937–51: 318: Chilperic invites the leading Franks to celebrate the betrothal of his daughter Rigunth to the Visigothic king.
- 17 See the discussion of the Mayfield above, and Leyser 1994e: 29–30.
- 18 I have sketched much of the background to this institutional thickening of rulership, though without specific reference to assemblies, in Reuter 1994. There is now extensive German scholarship on the development of residences. For the development of the 'modern' state in the later Middle Ages Genet 1990 should be consulted.

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CHAPTER THIRTY

BEYOND THE COMUNE

The Italian city-state and the problem of definition¹



Mario Ascheri

ASPECTS OF ITALIAN URBAN GROWTH

Cities are at the heart of European history – or certainly were in the late Middle Ages, in particular in Italy. In the early middle ages, Italian cities were important centres for the preservation of culture (Wickham 2005: 591–692). In Italy, uniquely perhaps, the evidence speaks for itself. Through their buildings and their art, and the studies devoted to them by historians of art and architecture, demography and the urban economy, the cities of late medieval Italy great and small are able to appeal to us still. Not that the distinction of greater and smaller counts for much in the year 2015, when Siena, Pisa, Perugia, Gubbio, Assisi and San Gimignano are as much suffocated by international tourism as Rome, Florence, and Venice, with all of Italy's medieval cities equally afflicted for the simple reason that they are what they are, the impotent custodians of medieval Italy's art and architecture.

Established though most of them were on ancient Roman foundations, it was in the Middle Ages, and in particular between the thirteenth century and the fifteenth, that these places assumed the appearance that they retain to this day, and on the economic vitality of those years that were based the urban achievements of the so-called Renaissance era which, while other parts of Europe lagged behind, they were to accomplish without suffering serious damage to their distinctive structures. Only since the Renaissance and Baroque periods have Rome and Milan, or Florence, capital of the newly established kingdom of Italy, experienced intrinsic change. Elsewhere, late medieval Italy's essential profile has managed to survive largely intact, and with it the memory not only of its universities but also of Dante, Petrarch and Machiavelli, its supreme geniuses.

But these are commonplaces. There must be more to be said about both the short- and the long-term consequences of the peculiar politico-institutional organization of these places. Certainly some historians have thought so (Burke 1986; cf. Rossi 1987). And common sense suggests that they are right, that the architectural and artistic creativity of the thirteenth to fifteenth centuries was somehow related to the political and institutional context within which it flourished. The question is, *how?*

How was it related? Was all this cultural activity no more than an expression of politico-institutional developments? Or did it possess a rationale of its own? It could be argued that art and architecture developed in the way they did because of certain unique characteristics of the culture of the age, on account of exceptional individuals, outstanding artists, and, though quite independently, the availability of the political structures of the period. The case could be made that it was only in the fifteenth century itself that politics and culture developed that symbiotic relationship which is a distinguishing feature of the Visconti–Sforza duchy of Milan or of the kingdom of Sicily under Alfonso the Magnanimous. But by then the Italian communes were already in decline. So what of the earlier period? What of the years after 1100 when the communes and the autonomous institutions they fostered began to flourish, particularly in the north and centre, that part of the peninsula which to this day remains the most politically active (Putnam 1993)? While Amalfi and other southern harbours declined, the coastal cities of Venice, Pisa and Genoa developed through engagement in colonial activity in the eastern Mediterranean in the service of the crusading movement, with the first of these playing a significant part in the establishment of the Latin Empire of Constantinople. Meanwhile landlocked Piacenza, Modena, Lucca, Siena, and in particular Florence – banker *par excellence* to both popes and kings despite the best efforts of England's kings to bankrupt it – assumed a major role in international commerce, and Milan scandalized as much as astonished Otto of Freising when the Emperor Frederick Barbarossa's chronicler chanced there upon that unnatural thing, a city governed by consuls to whom even the neighbouring nobility paid court, a city which 'even dared incur the anger of the prince, standing in no awe of his majesty' (Mierow 1953: 129).

Extolled by the Arab chroniclers and their Christian counterparts alike, the demographic vitality of these cities between the eleventh century and the Black Death in the mid-fourteenth is well documented. So are their beauty and their wealth. All this modern scholarship recognizes and accepts. What it does not is the relationship which has been alleged (or sometimes assumed) at the institutional level between the communes and the political culture of the period of which they were part, and therefore of the civilization which nourished and embraced them. In one way or another, historians have sometimes neglected the culture of those free cities which had established themselves as communes during this period of such remarkable growth, what for convenience might be called 'communal civilization'. Let us consider, albeit very briefly, what seem to be the salient characteristics of the historiography about them.

SHIFTING INTERPRETATIONS OF THE COMMUNAL EXPERIENCE

The Romantic period and the Risorgimento had a simple and positive reading of the commune's social profile. Although this value judgement was challenged in the late nineteenth century by the 'scientific' evaluation of the new social sciences and Marxism (Vallerani 2004), the Italian communes continued to be considered Europe's first bourgeois societies. Formed in the social image and the political likeness of the merchants who controlled them, they stood at one end of a spectrum from whose other extreme they were glowered at by the feudal nobility which everywhere else

ruled the roost. Peopled by possessive individualists, themselves the harbingers of the modern capitalist ethic, the Italian communes were political societies of equals, and thus the very antithesis of feudal society with its hierarchical structures. What more natural therefore than that, while elsewhere a courtly culture and chivalric literature flourished, the commercial and secular mentality of the democratic communes should have left as its memorial such items as the diaries (*Libri di Memorie*) of the Florentine merchants?

But in fact it was not quite as simple as that (Keller 1979; Jones 1997; Maire Vigueur 2003). On closer inspection, the descriptions provided by bourgeois historians of the nineteenth century turn out to be just that: descriptions of bourgeois society *avant la lettre*. In fact, the Italian cities which fostered communes harboured all manner of unmodern horrors, clan loyalty and the desire for ennoblement included. The case of Lombardy both points the moral and adorns the tale. In the Lombard communes – and the Lombard communes were most notable of them all on account of their determined resistance to Barbarossa's imperial pretensions – society was neither bourgeois nor egalitarian. On the contrary, in common with societies everywhere else at the time, it consisted of stratified social classes, clearly differentiated from each other even in law, and with the local aristocracy very much in the ascendant (Wickham 2015). Indeed, one might even go so far as to say that the Italian cities owed their very survival to the nobility of the surrounding countryside who by deserting their castles and 'civilising' themselves reinforced the lively and multi-faceted society of the cities in which they took up permanent residence.

The institutional structure generally attributed to the communes has also to be called into question and considered against historiography which stresses the difficulty in drawing even a simple Unitarian common model (Vallerani 2011). Under the guise of city-states, they had regularly been hailed as victors over emperors. But this is too facile by half. The concept of the State, a modern reality which assumed fully developed form only in the eighteenth century (if then) was applied unthinkingly to the Middle Ages when, as a matter of fact, city-states still formed part of the Romano-Germanic Empire, the empire from which they regularly sought new privileges as well as the confirmation of ancient liberties which were, from as early as the tenth century, often granted at the point of foundation of autonomous cities (Ascheri 2011a). Furthermore, when they placed themselves under the protection of the Papacy in the general rallying of Guelf forces against the Ghibellines, the communes did so purely as a means to an end, in order to recruit local assistance against



Figure 30.1 The citizens of Milan return home in 1167 after the devastation of their city by the Emperor Frederick Barbarossa. Bas-relief of 1171. Milan. Civiche raccolte d'Arte antica, 767.

a distant imperial threat to their welfare. The general consensus has been that autonomy was as much as they could aspire to. Independence and sovereignty in the sense in which modern states may be said to be independent and sovereign did not occur to them, and did not occur to them precisely because as yet they were inconceivable. Likewise, it was thought that, whatever political duties one felt oneself obliged by had nothing to do with the commune in the abstract. Such loyalty as one owed was owed to one's family, whether narrowly or more widely conceived, and to the even wider allegiance with which for the time being that family was associated. But to immediate family first and foremost.

Though universalist to an extent, therefore, the mental climate of the era was grounded – according to this perspective – in group loyalty, in a group loyalty ultimately rooted in faction and family, moreover, and to that extent was by its very nature inimical to the city-state. Recent research on criminal prosecution shows that political repression of large parts of the population was enforced by law (Milani 2003), which supports the interpretation of the commune as largely primitive in spite of a widespread rhetoric of peace and of 'democratic' and popular government (Zorzi 2008). The 'spirit of the age' was essentially monarchical, and in Italy monarchist sensibilities were constantly refreshed by the proximity of the kingdom of Sicily and the absolutist practices of a succession of Roman pontiffs. By definition, discussion of the medieval political imagination centres on the analysis of monarchical power, the power of popes and kings (Le Goff 1997: 37–42). It was no accident that it was these figures, and above all kings, who regularly featured in millenarian prophecies as the saviours of humanity at the Last Judgement. Although paradoxically it was the city that was felt to be the seat of power, in theory as much as in practice anything resembling the later republican ideology so characteristic of the modern era, with its rooted opposition to monarchy, was at best a marginal phenomenon in the Middle Ages. Modern continental historiography has erected an unbreachable wall between these two cultures and has treated them as irreconcilable because of the absolutist development which monarchy experienced on the Continent, in contrast to England where it is perfectly legitimate to speak of a hybrid 'republican monarchy'.

Among those who have stressed both the socio-economic and the politico-institutional importance of the city in Italian history, another common failing has been a failure to appreciate the sheer institutional novelty that some cities had displayed even before the development of communes had begun (Cammarosano 1998). Indeed, their 'modernity' *vis-à-vis* their counterparts elsewhere in Europe, even before the twelfth century when they were still nominally under episcopal control, raises question of substance regarding the point in time at which communes as such began to matter.

But though it may be that for a time some cities were sufficiently powerful to rank as tiny states – and states capable of gravely embarrassing emperors and others, moreover – when we turn to the other end of our period it has also to be allowed that by and large their achievement had been but ephemeral. For although the late medieval commune continued to strive for greater internal consistency and a more robust internal structure, sooner or later it suffered crisis and mutation (Chittolini 1979). Having run the communal gamut at a precociously early stage, for example, equally early (in the thirteenth century itself) the Veneto passed under the control of individuals and families such as Ezzelino da Romano and the Este family, the denial

incarnate of communal government of the *res publica* based on popular participation, or at least on that of broad social groups. And the Veneto was not unique. The same sequence of events was enacted elsewhere.

In general, indeed, the commune had not yet assumed a clear institutional structure when it was supplanted by seignorial forms of monarchic government which emptied communal forms and procedures of all real content. In order to remedy the fratricidal internal conflicts and the endemic violence of political struggle, the councils of the communes themselves were driven ever more often to confer full powers or lifetime office on military *condottieri* or members of important local families, soon to be entitled *signori* of the city, and, as such, the holders of political power.

Hence the textbook account of the succession of typical forms of government in late medieval Italian history: the communes of the twelfth and thirteenth centuries were followed in the thirteenth and fourteenth by the *signorie*, and in the fifteenth the *signorie* were swallowed up by the principalities, with the exception of only a few republics. By the same reckoning, there occurred simultaneously the transition from the city-state (or autonomous city if one prefers) to the regional state: a state dominated either by *signori* or by princes (fourteenth-century Lombardy under the Visconti for example) or by those city-republics still in existence, which had invaded large areas of the surrounding territories (Venice, Florence, Genoa, Siena). According to this schema, the importance of urban institutional history is reduced, for the most part, to a very brief period, often of no more than a hundred years beginning in the mid-twelfth century, and by the mid-thirteenth the age of the communes is being brought to a full stop, with the future lying in an entirely different direction. From this perspective, so far as the later development of the Modern State is concerned, the city-state appears at best an irrelevance, at worst an obstacle in the path of history. To their deprecation of the factionalism which lay at the very heart of the thirteenth-century city, with its struggles between nobles and *popolo* overlapping and interwoven with conflicts between Guelfs and Ghibellines, historians thus added the further and far more serious charge that the Italian city-state failed to perform the role allotted to it in the scheme of things.

And, as though that were not sufficient, there is a further accusation more or less overt in all this. The commune is ever more frequently depicted as the locus of governmental powers wielded by an aristocracy of either land or money in the twelfth century, and thereafter as the favoured environment of a political oligarchy – an oligarchy of the rich – but now, with the abandonment in many cases of the commercial tradition which had been the cities' proper occupation, of the rich whose riches lay in land. In this scenario, the term 'oligarchy' (a term with a long tradition in the history of political ideas and deplorable throughout: the Hyde to the Jekyll of aristocratic government) is used as shorthand to allude to, if not describe, a multitude of very different situations and to make the heavy and heavily charged point that in the long run communes always fell into the hands of an extremely narrow ruling elite. The forms of consultative assembly once apparently triumphant, and once-upon-a-time celebrated as the realisation of communal 'democracy', had now been superseded. Now oligarchic rule along these lines was presented as the cruel and naked reality of what communes were ultimately all about. There was an inevitable logic to it all, it now turned out – to the extent indeed that at last the process of dismemberment of those sometimes vibrant (not to say chaotically 'democratic')

communes was capable of being mapped, as though in accordance with set rules of navigation, almost by reference to a mariner's chart. And oligarchy was the lode-star.

In short, the traditional account of the honoured status of the Italian city-states has been so comprehensively rubbished as to appear at best genteely naïve and at worst the detritus of a myth lacking any basis in fact. According to a still prevalent orthodoxy, the fundamental similarity – or at least analogy – between processes of

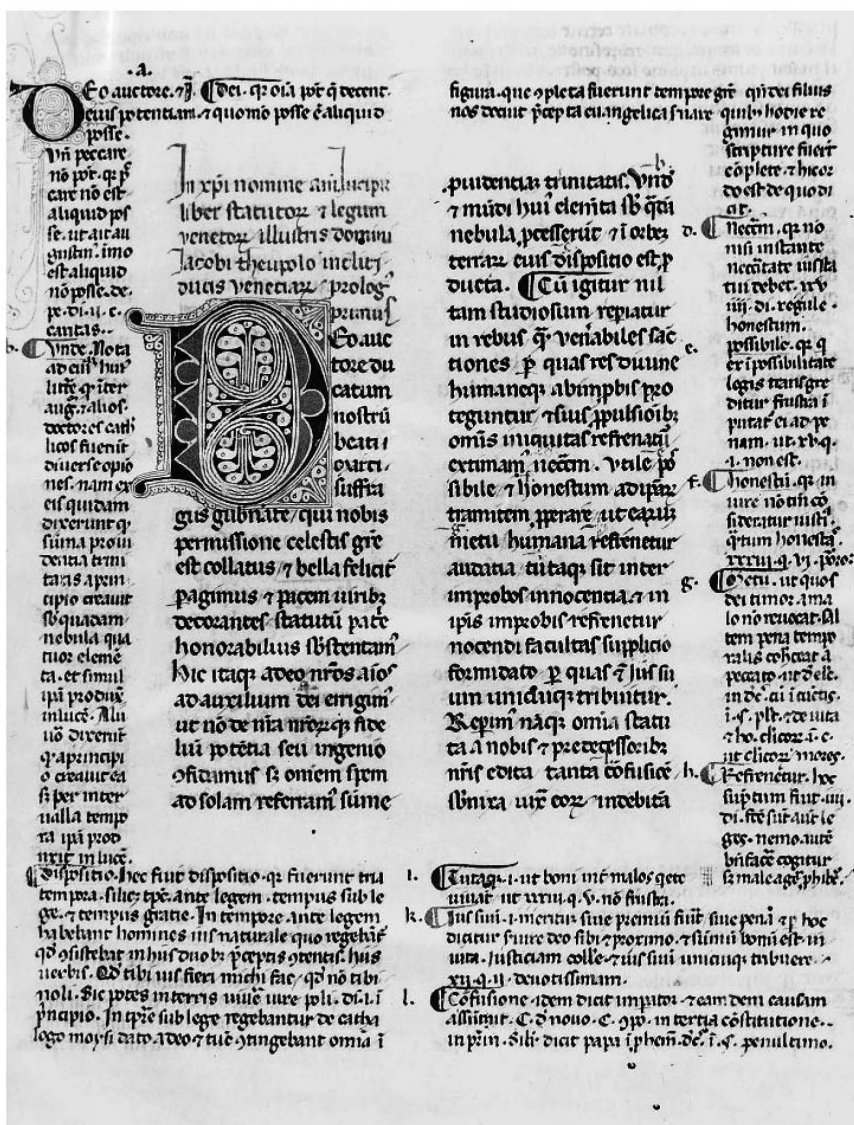


Figure 30.2 The Book of the Statutes and Laws of Venice. With its marginal glosses, this fourteenth-century codex has all the appearances of the legal or theological texts in use in universities at the time. (Compare Figure 33.1.) Venice. Biblioteca Nazionale Marciana, MS. Lat. V. 137=10453, fo. 11.

state formation in the various polities of Europe at the end of the Middle Ages has rendered the notion of the city-states' uniqueness redundant. So far as the years before 1300 are concerned, the term 'communities' is now used to indicate societies of whatever condition, whether urban or more broadly national, in which the historian's stethoscope is able to discern so much as a murmur of assent to collective belonging. And all these communities are considered to have been very much of a muchness (Reynolds 1997). Quite possibly there is a certain coherence to this account of the matter.

But it is not the last word on the subject. Even within a European Community which has so distorted and debased the meaning of the word, it may still be permissible to disagree with the fashionable consensus on the subject of what 'communities' were in medieval Europe and to put the case for the communal city-states of medieval Italy as a peculiar and exceptional event in Europe's history. This will be attempted in the next section of this chapter. Before embarking upon that task, however, perhaps what ought to be obvious should be stated, namely that the greatest risk any historian runs is the risk of importing into his account of the period with which he is concerned the preoccupations of periods nearer his own. Of importing, and thereby distorting. In the present case, issues such as those of Italian political unity, Italian national identity, and such Italian peculiarities as may be thought to have survived the benevolent influence of the aforesaid European Community will need especially to be looked out for – because if to students of the subject observing it from the outside all this appears a 'problem', for those whose history it is it is very much more than that. It is live tissue.²

IN SEARCH OF COMMUNAL DISTINCTIVENESS

Why do Italy's late medieval cities deserve to be regarded as remarkable, then, and not only in the Italian but also in the wider European context? After all, Europe was not short of cities brimming with interest for students of demography, economic development and art. Italy herself boasted Palermo, Naples and Rome. Take Rome, for example. Rome's history was not without its important communal interludes (Wickham 2015: 119–160). In the mid-twelfth century the battle-cry there was 'renovatio senatus', and in the fourteenth the place experienced the extraordinary effect of Cola di Rienzo, the tribune who strove to evoke its ancient past. Yet these, and other examples, were only interludes, whether short or long. For the most part, the presence of the papal Curia or a strong nobility deprived Rome of the oxygen which independent government needed. Rome was a city with a sovereign, and not the sort of city we have in mind when we speak of communal civilization in its true sense (Maire Vigueur 2011).

Part of the problem here is terminological. In a period in which political vocabulary was consistent and unitary, the word 'commune' was employed in various situations whose politico-institutional contours had absolutely nothing in common. The rural commune, for example, whether castle or village, was one thing. Enjoying more or less complete administrative autonomy, and as often as not establishing itself at the request of the *signore* of the territory in which it was located, the rural commune developed as an administrative entity which conveyed requests to the *signore* and if necessary organized protests, thereby providing the *signore* with

a licensed intermediary and agent to turn to when there was tribute to be collected or collective responsibility exercised regarding the movement and custody of wanted criminals, for example.

Altogether different was the situation of the city-states as they emerged from their communal chrysalis during their struggle against local bishops, feudal lords or emperors like Barbarossa and Frederick II. Here the case was not just one of periodic uprisings provoked by particularly grotesque abuses of seigneurial power, or by hunger. From as early as the mid-eleventh century when, with society anyway poised on the threshold of tumultuous developments, Gregory VII had turned Milan's social turmoil to the advantage of his own reform program, the conflict between Papacy and Empire had worked to discredit both as effective institutions for the government of urban society (Tabacco 1989: 221). As these cosmic struggles continued, the awareness dawned among particular groups of citizens – citizens of diverse social rank and standing in a variety of different relationships with the traditional local authorities of bishop, count and marquis – that the time had come for them to take the government of their cities into their own hands even more purposefully than had been done during the tenth-century crisis of the Italian kingdom. The cultural resources were there, so was the wealth, and as conflict with the Empire continued such convictions strengthened, sustained by an urban culture firmly rooted in a laity whose growing sense of self-assurance stemmed especially from its monopoly of the provision of lawyers and notaries: the masters of the written word whose technical expertise serviced the institutions of the new rationalism of the universities and the pragmatism of the merchants and provided the mass of documentation, both legal and historical, which it depended upon for its very survival.

Thus certain cities of the north and centre, including some with no tradition of episcopal government, came to lord it over the surrounding countryside, exercise close control of the social life within the walls by means of prolific legislation, and enter into military and diplomatic agreements with other cities on an equal basis. As a demonstration of the weight of their authority they even called upon their citizens to make the supreme sacrifice. The adage *pro patria mori* became current in the thirteenth-century communal world precisely because the city was the primary identifiable repository of political allegiance: a fact of city life, or rather of city-state life, which deserves emphasis.

Of course, even a city in political crisis continued to call itself a commune, whether when independent or, as was increasingly often the case as the thirteenth century advanced, when subject to a *signore* or other more powerful urban neighbour which, following the pattern set by the typical city of the first phase of communal growth, after conquering its own historical hinterland (*comitatus* or county) proceeded to prey on other free communes and their respective *comitatus*.

The 'city-state' was a particular species within the broader genus 'commune' whose right to its name, a term hallowed by long-established historiographical custom, it would be futile to challenge. In the absence of any contemporary technical term, it is hard to see why for clarity's sake a modern equivalent should not be used – particularly one whose derivation from the technical vocabulary of Greece and Rome makes it especially appropriate. If it is allowable to ascribe to the Middle Ages the anachronistic concept of civic *autonomy* (a nineteenth-century lawyer's term inconceivable in the medieval period and accordingly absent from its sources) why

should we not also speak of ‘state’ with reference to those communes, but *only those communes*, which were masters of their own territory and sole arbiters of peace and war, justice and taxation?

It matters not that the word ‘state’ in today’s sense of a public legal entity cropped up only very rarely in thirteenth- and fourteenth-century usage – although it is not without significance that it was in communal Italy that it did so. The fact is that at the time there was no need to invent the word. The all-purpose term *res publica* designated every type of state apparatus, from the Empire downwards. The Roman sources – which as things that people actually *read* were the objects of intense study at the time – had already spoken of the ‘*res publica imperii*’. In contemporary sources the word *status* was normally used in the sense of ‘condition’, as in ‘the peaceful state of the commune’ and suchlike.

Only when the military and diplomatic struggle between the commune of Florence and Visconti Milan assumed learned overtones, thanks to the writings of the humanists who employed their pens in the service of one or other antagonist, was the idea elaborated of two distinct, systematically opposed civilizations in, respectively, the state governed by the ‘people’ and the state governed by a single prince, in this case Giangaleazzo Visconti. A century later this opposition found expression in the opening lines of Niccolò Machiavelli’s *The Prince*: ‘All states, all the dominions which have held sway over men and all which still do, have been or are either republics or principalities’³ – though Machiavelli’s dyad, linked as it was specifically to the Italian situation, was unusual enough for Jean Bodin to ignore it and continue to use *res publica* in its general sense of ‘state’.

There is therefore no need to apologize for speaking of ‘states’ and ‘city-states’ in a late medieval urban context, nor even for the use of inverted commas. Anglo-American historians took the conceptual plunge years ago, reflecting a less doctrinaire and more realistic approach than their Italian colleagues who were influenced by legal doctrines (Ascheri 2014a), as well as exhibiting far greater alertness to the presence of federal features in the history of the Italian, German and Swiss polities (Clarke 1926; Waley 1988). The massive influence of Papacy and Empire between the twelfth and the fifteenth centuries should not obscure the fact that their more-or-less legitimate and historically rooted universalist aspirations were perfectly capable of coexisting with feet-on-the-ground local powers. They were not in constant collision with them, and even when they were the clash was not one of diametrically opposed principles. Indeed, it should be recognized that it was precisely the threat of an over-mighty imperial and/or papal presence in Italy which gave birth to the city-states, and determined much of their subsequent activities.

Anyway, the business of the governments of these city-states was to rule effectively and efficiently, not to theorize after the manner of university professors. Why waste effort in issuing formal denials of the imperial authority or the Church’s temporal claims when the negation of both in real terms was already a *fait accompli*? The function of ruling elites was not to issue proclamations but to declare and defend their city’s *de facto* independence and sovereignty. Why not connive at the ‘federal’ aspirations of medieval universalism (Dante’s *De monarchia* springs to mind) if that facilitated the stratified coexistence of more than one political power within the same territory? It is only an exaggerated as well as an anachronistic sense of deference to late-nineteenth-century theories of the state and national sovereignty that

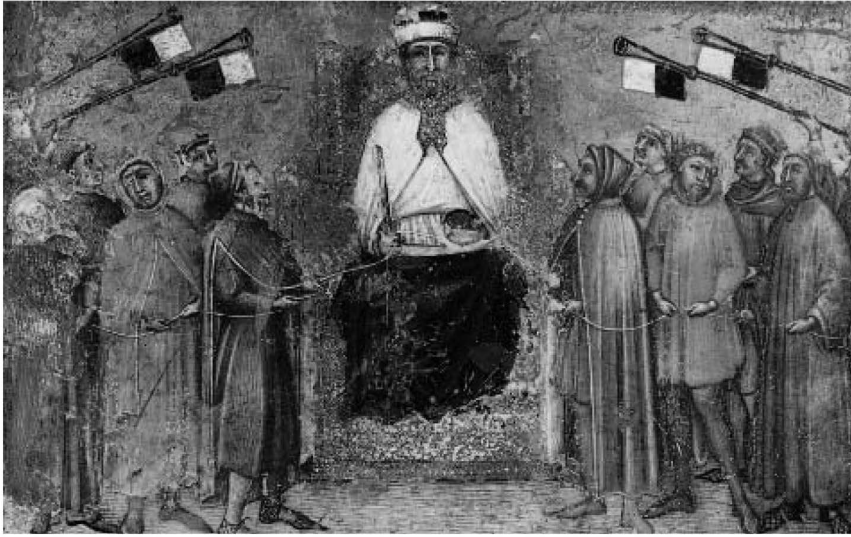


Figure 30.3 Painted cover of the book of Finances of the City of Siena, 1385. The city's governors are represented linked by a cord – i.e. concordant – with its sovereignty symbolically personified. Siena. Museo dell'Archivio di Stato, Biccherna 19.

Photo: Fabio Lensini.

continues to prompt students to scour the past for a set of problems wholly alien to the Middle Ages – and to the Italian *communal* Middle Ages in particular which had, after all, brought to light through its many universities those Roman law texts whence the very notion of the possible coexistence of the prince's general law and local laws specific to individual cities was actually derived.

Projecting the preoccupations of the nineteenth-century state into the past means squeezing that past into a Procrustean corset wholly unsympathetic to its actual contours. Consider the direction in which the European Union is moving, or indeed the international community at large, with judges competent to sentence states for international crimes and 'allied' interventions in their internal affairs, all in accordance with a world-view for which the globalization of ecological, military and economic issues seems to guarantee a bright future.

It is not just a question of vocabulary. The concept of 'city-state' cloaks problems of substance, the foremost of which is the need to accustom ourselves to view the commune as an entity endowed with legal personality well before the word 'state' and the university theory of legal persons had been properly formulated. Like the 'regnum', the commune operated and was the possessor of public and private rights comfortably in advance of the emergence in the thirteenth century of the idea of the '*persona ficta*' (Reynolds 1995). Much the same is true of other fundamental notions of public law which had been integral to legal and institutional terminology for centuries before the *eruditi* identified and labelled all their possible implications.

The process of identifying the Italian city-state also brings to the surface a pre-supposition whose normal habitat is at the murkiest depths of historical perception: namely that of the process of state-construction, and hence also human progress,

towards an ever-more refined and rational statehood (itself a conglomeration of ideas and values whose validity even the most cursory consideration of the events of the past century must bring into question); and that this process was a one-way operation. We are asked to subscribe to the following broad-brush scenario.

The twelfth-century commune-in-arms was a kind of sworn association or informal movement with aspirations to the exercise of public power. The thirteenth century witnessed a significant realization of these aspirations within the commune's territorial ambit by means of its imposition of monopolistic control over certain functions, especially fiscal functions. Then the commune put behind it, once and for all, its original associative nature as a coalition of factions. Courtesy of the *signore*, during the fourteenth century, it began to 'turn territorial' (the question this begs regarding its earlier supposed characteristics hardly needs drawing out). Finally, in the fifteenth – the first century of the Italian Renaissance – it transformed itself into a 'regional state': a regional state which might even go so far as to proclaim itself sovereign, as, for example, the Commune (now with a capital C, be it noted) of Florence did when claiming the right to defend itself from the crime of high treason, the '*crimen laesae maiestatis*' (save that sometimes its power in the territory was more circumscribed than before). And now, at last (and not before time) we have arrived at the Origins of the modern state, or as some would have it, of the State Full Stop: at that great Beginning whose maturity was to be marked by the momentous ejaculation of *la Grande Révolution*, and whose culture has continued to dictate historiographical categories forever after because that Event provided a break with the past, a break which the historians have consented to even though in fact it was not quite as clearcut as the less craven revolutionaries themselves could have wished.

That is one view of the matter. If, however, we were instead to acknowledge that in 1100, or at any rate by the time of the first really effective uprisings against the German Empire, the sovereign late-medieval city-states were already entities different from today's sovereign states – and which of the states represented at the United Nations in the year 2015 would we be prepared to propose as a normative state anyway? – then we would at last be in a position to historicise the state (or State) *comme soi*. In fact, we need no longer waste time calibrating, and labouring to establish just when and by what stages medieval polities either progressed towards, hovered inertially around, or actually regressed from some ontologically secure and immutable statehood, a statehood which eventually came to be considered modern but which today appears decidedly vulnerable to intrusive international intervention both public and private. The state is simply any public organization which organizes society, in one period in harmony with that society, in another in conflict with it, now cooperating with private individuals, now towering above them like a monstrous Leviathan, by turns the source of vital help and insatiable tyranny, or any one of the myriad other possibilities between those extremes.

This approach carries an additional bonus. For it now becomes possible to examine the different permutations of the relationship between the city-state and the Church and/or Empire, those two international, supra-state entities which assumed their most concrete and tangible form in the various attempts they made to put themselves at the head of federations or confederations – legal concepts already then in use.

It is no argument against the statehood of the sovereign communes that they mostly reached a *modus vivendi* with Empire and Church, nor that under certain circumstances these universal authorities might issue both general and specific privileges to local governments, and the latter answer to the name of ‘vicariates’, which was tantamount to an acknowledgement of their superiority. As students of modern international law well know, the existence or otherwise of the state is not determined by the fact of recognition or non-recognition on the part of an outside authority which may be no more than an expression of political opportunism. Rather, it depends upon the degree of effective control exercised by the government in question. Did England become any less of a state than it had been before when King John swore fealty to Pope Innocent III in May 1213?

When communal legislation did encounter limits, the limits it ran up against were usually those principles reckoned to constitute *Libertas ecclesiae*, the ‘freedom of the Church’, limits these days exclusively associated with ‘the marketplace’, but which in the case of the medieval Church meant the sum total of a whole complex of fiscal and jurisdictional exemptions: exemptions always fiercely defended if not always with total success – though since they certainly didn’t derive either from the Empire or from the learned ‘*ius commune*’, why it was that the ‘effective’ defence of these principles devolved upon the Papacy and the local churches is a moot point. Regarding all social problems the communes came up with the most wide-ranging and far-reaching legislation known to the medieval West. By means of their ‘*statuta*’ and ‘*provisiones*’ they intruded without let or hindrance (that is to say, without anything remotely approximating to parliamentary consent of the estates) into society’s most intimate corners, systematically encroaching in fine authoritarian style into areas which only centuries later other kinds of regime would penetrate, including such jealously defended preserves of the Church as marriage and usury (Wolf 1996: 69ff.), and the status privileges of the nobility.⁴

This degree of interventionism leads on to the consideration of another question of the first importance to anyone interested in the structures of public life and therefore the peculiar institution of the city-state. This is the question of medieval and in particular of communal ‘constitutionalism’. Here again current historiographical fashion, especially in continental Europe, is to dissociate the medieval experience from more recent and from contemporary preoccupations in particular. Recent written constitutions (and particularly those protected by constitutional courts) are considered as having made a qualitative leap forward into the modern state and a clean break with all that had gone before. Presumably therefore, the proper purpose of governments and parliaments is the realization of what certain given constitutional principles more or less explicitly demand.

This is not the place to enter into the specific merits and demerits of such politico-legal ideologies: ideologies which sanctify the present and whose high priests can only bring themselves to look the past square in the eye when the eye has been certified dead. Because the principles informing written constitutions are of such a general nature they are always susceptible to the attention of lawyers and their sophistical interpretations – all in accordance (alas) with medieval precedent. And, sure enough, even in monarchical and princely settings we find signs of precocious constitutional forces at work concerned with such issues as political participation, the fundamental articulation of public authority, and relationships between powers and between

powers and those subject to them. Such were the agendas of the so-called ‘pacts’ or ‘contracts of *signoria*’ which assumed so many and such various forms during the Middle Ages, and of which Magna Carta is the most notable example only because it has proved the most durable.

In the communes too we encounter equally lively constitutional initiatives, prompted by the twin needs of organizing the political and administrative authorities and providing the citizenry with protection against those authorities. It is just that these initiatives have been forgotten or minimized by comparison with what occurred in the nation-state, either because of their complexity and extreme variability, or because the process of local differentiation and fragmentation has made the identification of common characteristics virtually impossible (Ascheri 2008). The fact that the communes/city-states were defeated in the long term may also help to explain why they have not enjoyed the historiographical respect which the (once) triumphant nation-state has been accorded.

Be that as it may, it deserves to be remembered that in the case of some communes constitutive and constitutional agreements of this sort served as their foundational title-deeds, no less. In the life of the communes, moreover, dispositions such as these were absolutely typical, representing as they did the most truly political norms of their statutes. In a society with a strong ideological culture so deferential to the book and the written word,⁵ the imperative sense that public life should be conducted within a conventional framework of legal certitude might even result in the elevation of certain statutory norms to irreformable status, thus setting them above the usual run of legislation. In order to ensure their strict and invariable observance, these ‘*statuta precisa*’, so-called, enjoyed immunity from legal interpretation, just as today article 139 of the Italian constitution declares the republican character of the state immutable, thus imposing an entirely exceptional restriction on future legislation. In some cases, at Genoa for example, the sacrosanct political statutes (*regulae*) were distinguished by name from the others (*capitula*) so as to indicate their unique constitutional function – though in fact they were not spared the effects of political change and ironically it tended to be the *capitula* that remained unaffected over many decades.

This is not all. The communes invariably operated within an ideology analogous to that of the eighteenth-century *Rechtsstaat*, and roughly equivalent to the English *rule of law*, insisting on the separation of political powers from judicial and administrative powers and precise definition of the respective competences of the various public organs in order to create checks and balances, protect the citizen and guarantee the impartiality of the administration. Even if the hegemony of political power is visible in interventions into judicial processes, especially in criminal cases of political importance, legal proceedings were, in the main, constitutionally ruled or approved *post factum* by assemblies. In any case, the hegemony of legal culture created a legislative bloating which has marked the Italian experience of statehood ever since, and which is lamented on all sides today without adequate recognition of its deep historical roots.

Legality and breaches of the law co-existed under the cover of ceremonies and propaganda. In any case, posterity is indebted to the theorists of communal government for the dissemination of the fundamental principle of the citizen’s participation in the legislative process of the *polis*. From the early thirteenth century current civic

practice combined with the legacy of various cultural traditions, in particular the Ciceronian and later the Aristotelian, to hammer out ideas and practices to whose novelty and importance students of the history of political ideas have paid proper tribute (Skinner 1978).

The widely shared conviction that the statute of the commune was a specific local pact on which the communal *universitas*⁶ was based tended to promote the ideology of legality and justice (Padoa Schioppa 2015). It also helps to account for the fact that the scope of such statutes embraced the liberty of the commune as well as its constitution. It was natural therefore that whenever the political balance (*regimen*) changed the first act of the new government was to review existing statutes. The city-state too – Venice or Florence for example – immediately it achieved dominance in a newly conquered territory, would re-cast the statutes of the place in accordance with its own politico-legal prescriptions.

It follows that the sections of statutes relating to public law have every right to be treated as constitutional history, even if their wide dispersion, mutability and multiplicity make them difficult to study. Paradoxically, it is their very richness that is responsible for the comparative neglect they have suffered. Though it is certainly easier to speak of the constitutional experience of monarchies, and of the English in particular, it would be a grave mistake to forget that general parliaments of the whole population (less common later) and frequent and well-attended councils were sources of legitimacy for both communal government and communal life, or to consign to oblivion complex communal practices of government and assembly (Tanzini 2014). The city-states were the precursors of the majoritarian principle and pioneered measures designed to depoliticise judges and the administration of justice and to moderate the excesses of their officials, whom, it was known, could ‘obscure the truth’.⁷ The legislation they introduced confronted issues as diverse and as thorny as the conduct of elections, rotation of public office, the incompatibility of different offices, and the drawing of lots for them. And in all this activity they involved the enfranchised citizenry to a degree never previously conceived and in all likelihood never since achieved.

Against this, however, it has to be conceded that the situation of those beyond the walls of the city-state – excepting subject settlements which were to be prudently respected – was one generally of systematic oppression. Indeed, it was the very misery of the inhabitants of the *contado* surrounding it that enabled the commune to afford its egalitarian luxury. Glaring though the contradiction is, however, it can hardly be said to provide today’s more or less democratic societies with justification for mounting a moral high horse from which to sit in judgment. After all, does not our own First World, for all its assertions of international brotherhood and claims to universal solidarity, similarly depend for the maintenance of its credentials on the identical and equally deliberate exclusion of the inhabitants of the Third from the privileges it enjoys?

As to oligarchic manipulation, the charge so commonly levied against the city-states, it has to be wondered whether they were ever even capable of it. Venice apart, where a relatively stable nobility emerged, most of them were too politically rocky to allow for such a development. Though they are as profound as they are diverse, the political and cultural causes of this rockiness are all more or less related to the shared conviction that the city’s inhabitants were entitled to enjoy equality

of political opportunity.⁸ This was certainly the case in the thirteenth century. And, that apart, any such blanket characterisation has to be rejected if only because it lumps together and confuses the political dynamics of so many very different places. Consider, for example, the diversity of fourteenth- and fifteenth-century Florence, Milan, Venice, Siena and Genoa. For that matter, consider the development of these places in modern times. Historians who pontificate on the subject of oligarchies of long ago are wont to neglect the stench beneath their own nostrils. They too readily forget the ease with which, under cover of their democratic trappings, contemporary states and would-be federations of states continue to harbour little colonies of political limpets who have grown on to their offices over decades: contemporary crustaceans whose oligarchic relationships one with another might even be described as feudal – if only the implicit oaths or agreements by which they are bound were in the public domain.

The fact is that not only did the concept of a city structured as a *universitas* conjure up visions of the commune as a political entity with its own physiognomy, distinct from its separate members, and hence the idea of the legal person as depicted in such authorised (and visible) frescoes as Ambrogio Lorenzetti's celebrated *Buon Governo* in the Palazzo Pubblico at Siena. It also implied an idea of a potentially equal participation in the government of the city by people whose relationship with each other was by very reason of such common participation best conceived as horizontal rather than vertical. Indiscriminate use of the term oligarchy tends to divert attention from the most notable feature of the entire communal experience, namely the conviction that political power derives its legitimacy from below, from every (noteworthy) social order. And with that goes the related idea that concern for the common good, which takes precedence over the good of the individual citizens, is the affair of the *universitas* in the persons of its representatives.

In the face of a Europe by then for the most part assuming a feudal, hierarchical, vertical structure, and moulded to the monarchical requirements and habits of the governments of popes and emperors, kings and princes, the Italian cities – breaking ranks as they so obviously did with this pattern of things – were a source of scandal, each in never-ending competition with every other for the best works of art in order to affirm the *honor civitatis* to further its own prestige. Against every theory of society conceptualised as a tripartite ranking of warriors, priests and labourers, against the social reality of estates crystallised in parliaments, the city-state offered the concrete republican alternative on which the ancient Roman sources, both legal and otherwise, had discoursed. Its focus was the citizens, and in particular the members of those families which, behaving to each other within the city as the city behaved to its own neighbours, vied with each other in the building of grand palaces in celebration both of themselves and of the city. The culture of the city-state, which had to be prepared at a moment's notice to sacrifice people and wealth in order to defend itself and embark upon necessary conquests, allowed groups not traditionally called upon to join the government of the commonwealth or *res publica*, and to feel as well as to prove themselves more effective and more capable in power than the authorities who claimed to have been called by God. If the implications of all that the city-state represented are not understood, and the uniqueness of its contribution to Europe's collective consciousness is neglected, the sum-total of the history of European political thought and political praxis will be that much diminished.

Any account of the matter which belittles the experience of the medieval Italian city-state will necessarily finally end up by erasing this uniquely important cultural and politico-institutional element from the record altogether. To return to the question with which we began, therefore, the question of the relationship of the cultural activity of late-medieval Italy to its politico-institutional structures. The extraordinary architectural and artistic richness of the cities of northern and central Italy probably did derive cultural and material sustenance from the political and institutional exaltation they experienced in the shadow of their sovereignty. So too of course did Niccolò Machiavelli, within whose works those unaware of the bright future they were to have elsewhere suppose the medieval republican tradition to lie entombed. Towards the beginning of that tradition, however, there are the words of Dante's teacher to be considered. According to Brunetto Latini, there were three types of lordship: 'The first is that of kings, the second is where those of the better quality rule, the third is where the *communes* rule, and the third is by far the best of them.'

SOME REASONS FOR AMNESIA

And yet all that the city-state stood for has largely been forgotten. Why? The reasons are not far to seek. For one thing, by the time that the Dutch, English, American and French were seeking respectable role-models for their modes of republicanism the Italian experiment had collapsed, so that apart from a brief nod in the direction of Machiavelli they all harked back to the pioneering ancients instead. Moreover, the achievements of the Swiss case of the small-scale *patria*, modelled on the Italian city-states and comparable in importance to those of the large nation-states, have remained very much on the margins of historical reflection. In early modern Italy meanwhile, urban administration had degenerated to the aristocracy's advantage. Suffice it to recall Montesquieu's oft-quoted account of the sclerotic condition of eighteenth-century Venice, Genoa and Lucca, by then the only republics still surviving (Derathé 1973: i. 19–22, 170–1). These were hardly beacons of civilization fit to serve as political or legal models.

The republican and egalitarian values of the thirteenth-century city-state which were later to become the object of universal aspiration fell victim over the next two hundred years to the ambitions of a predatory nobility. Of what followed for Italy – its conversion into a Franco-Hispanic battleground and the decay of the succeeding centuries – the results are still with us today in the shape of its 'national' question and its endemic incapacity, common to all political groupings because so deeply embedded in the country's remote past, to transcend local and sectional interests and loyalties in the service of the common good: that *bonum* of which the medieval city-states and their preachers developed the first theoretical expression in the West.

Insistence on the primacy of the common good over private interest was in time transformed into a situation in which particular cities enjoyed a privileged position, political power was exercised by particular groups, and those excluded from a place in the sun were treated with contempt. All these tendencies had been latent in the city-state which even at its healthiest had imbued its ruling elites with a statist and interventionist mentality fostered by the omnipotence of political authority, an economy too frequently in public control, and naïve legislative voluntarism, all of which were consolidated during the early modern period and were in turn passed on to a unified Italy.

They are with us still. The ‘civic spirit’ itself with its concomitant abstraction ‘citizen’ engendered the self-image of the city as a culturally homogeneous monolith capable of absorbing and abating its internal social conflicts, thereby encouraging a remarkable degree of social harmony, a process materially assisted by ‘modern’ welfare systems organised by those secular and ecclesiastical corporations which were most conspicuous in promoting the ideal of urban unity. But this same self-image also carried the seeds of the city-state’s destruction. For, on the one hand, it provided the ruling classes with a refuge amenable to that state of satiated somnolence and acquiescence in their impoverishment which accounts in large part for the congenital weakness of contemporary Italian capitalism and, on the other, by eroding communal commitment to the city-state’s contractual (and anyway debatable) ethos, it instilled a spirit of general resignation to the omnipotence of the public power, lay and ecclesiastical, and a stupefying willingness to accept the inefficiency and caprice of the state.

This said, however, and with due acknowledgement to the negative aspects of the communal inheritance, we must avoid the pitfall of reading history backwards. For in their own epoch, vigorous and dynamic on every level, the thirteenth- and fourteenth-century city-states provided Italy with the one true revolution in its entire history: a fact regularly ignored by modern students of the subject preoccupied with modern concerns.¹⁰ The unwitting victims of their own teleology, these students denounce the policentric tendency evident in the cities of central and northern Italy today as the sinister agent of local particularism sworn to thwart the already problematic quest for national identity (Galli della Loggia 1998: 67ff.). In the same spirit, in their admiration for the ‘culture of the state’ said to have flourished in the thirteenth-century kingdom of Sicily and evinced by its secular opposition to the pretensions of the Church, they deplore the ‘campanilismo’ of the communes of the time.

How heavily the present weighs upon us as we labour to reconstruct the past! Is it too much to suggest that Italians over the past century and a half would have had less difficulty in imagining themselves as a nation if only they had acknowledged without simplifying and unbalanced judgments what is owed, both good and bad, to the city-states. Acknowledging both the positive and negative aspects cannot detract from the fact that they stand as the greatest, the most original and the most historically influential creation of the Italian Middle Ages, and for that matter constitute probably the Middle Ages’ one and only genuinely ‘Italian’ initiative.

The most up-to-date and brilliant examination of many recent monographs on different city states paradoxically concludes (Vallerani 2011: 34) with an expression of the most notable outcome of the communes that seems to me to describe something widely desired today but impossible: a ‘lightly’ governing contemporary state whose political system gathered contradictory needs without a single *dominium* (public government) and without any direct control over all institutions and fragments of power operating in the *civitas* (city/community).

NOTES

- 1 The author and editors are indebted to Magnus Ryan for his assistance with the translation of this chapter.
- 2 It is, however, still easily misunderstood: see F.I. Boucheron (2013: 57), and note that the subtitle of the article describes ‘des “essais de démocratie médiévale” à l’origine de notre expérience de la république’!

- 3 'Tutti li Stati, tutti e' dominii che hanno avuto et hanno imperio sopra gli uomini, sono stati e sono o Repubbliche o Principati': *Il Principe*, chap. 1.
- 4 For some examples, see Ascheri 2011b.
- 5 See the many works of Enrico Artifoni on political eloquence in the thirteenth-century communes: <https://unito.academia.edu/EnricoArtifoni>, and a good example from Bologna in Giansante (1999).
- 6 The closest though still inadequate English equivalent would be 'corporation'.
- 7 A statutory law of Siena showed a deep (and exceptional) proclaimed distrust for judges: see Ascheri 2014b.
- 8 It is obvious that among the qualified citizens the 'poor' were 'naturally' not considered.
- 9 'Seignouries sont de iii manieres, l'une est des rois, la seconde est des bons, la tierce est des communes, laquelle est la très millour entre ces autres': *Tresor*, VIII. 44 (Carmody 1948: 211).
- 10 See however Rosenstock-Huussy 1938: 562.

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CHAPTER THIRTY-ONE

TRANS-SAHARAN TRADE AND ISLAM

Great states and urban centres in the medieval West African Sahel



Timothy Insoll

INTRODUCTION

Since the publication of the first version of this chapter (Insoll 2001), the place of West Africa in the medieval world has become much more firmly established in scholarship (e.g. Haour 2007; Guérin 2010, 2013), and our knowledge of the great states and urban centres of the West African Sahel has increased substantially. Equally, using the term ‘medieval’ is no longer qualified as it was in the previous version (Insoll 2001: 469) for though inappropriate to African chronology, following Moraes Farias (2003: xxiii), it, like the ‘Middle Ages’ is a ‘dead metaphor’ and as such can be used as a ‘transferable chronological’ module outside its ‘original frame of reference’. This chapter will review recent research and contextualise it in relation to what it tells us about these polities and their interactions with their neighbours, North Africa, the wider Islamic world, and beyond.

Camel caravans and slave coffles plied the trade routes across the Sahara which served to link the trade centres of the Western Sahel, the name given to the semi-desertic fringe of the Sahara, with the major towns and cities of North Africa, Spain, and Egypt (Figure 31.1). The Sahel, the main focus of discussion here, is a transitional zone between the Sahara and the more thickly wooded Sudanic savannah, and in the Sahel, rainfall, though still sparse, is more plentiful than in the Saharan zone. Cram-cram grass, acacia type thorn trees, and alongside the River Niger, the principal watercourse in the region, Doum palms, are the characteristic vegetation of the Sahel. Below the Sahel lie the grassland and wooded or Guinea savannas, and below these the forest zone, before the Atlantic coast of West Africa is reached (Insoll 1996: 2–3). The Sahel is home to a diverse range of peoples, nomadic pastoralists such as the Tuareg, Moors, and Fulani, sedentary farmers such as the Songhai and Soninke, and more specialised groups such as the Bozo and Sorko who make their living from the River Niger (e.g. Ligers 1964–1967; Rouch 1997; Botte *et al.* 1999; Keenan 2002).

Historians and geographers writing in Arabic in North Africa, especially between the ninth and fourteenth centuries of the Christian era, recorded in part the history of the Sahelian trade centres and the states to which they belonged (Levtzion and

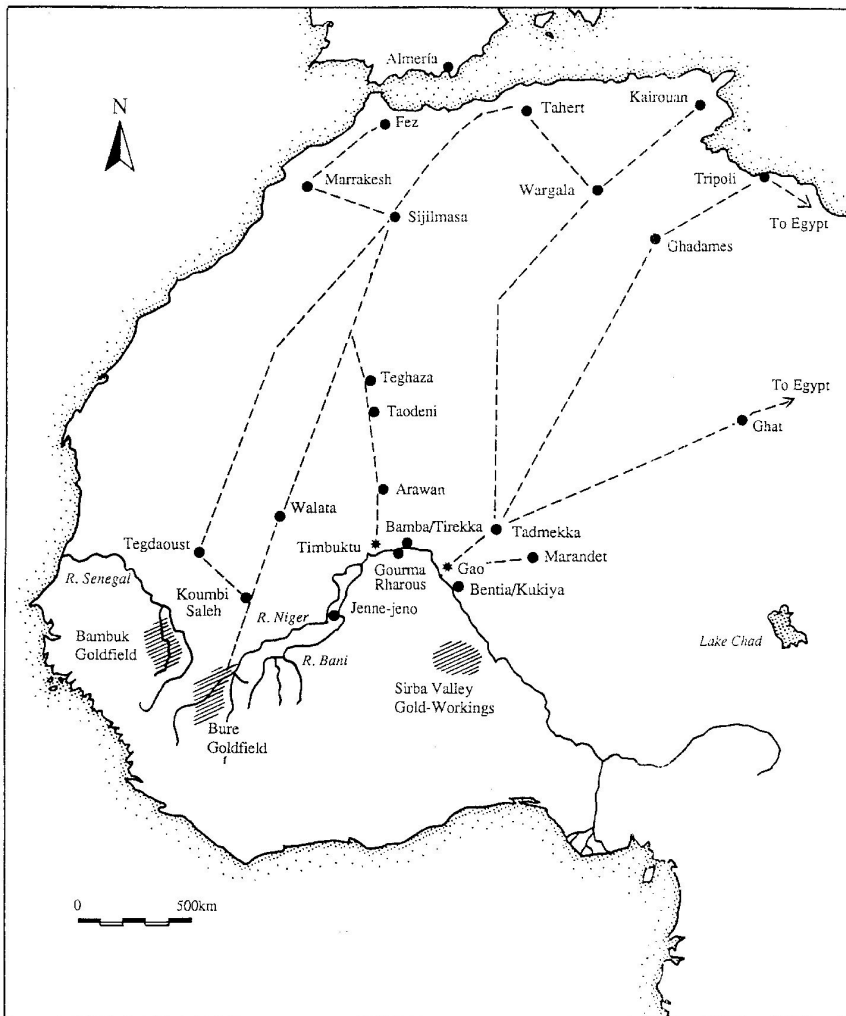


Figure 31.1 Map indicating the principal places mentioned and the trans-Saharan trade routes.

Hopkins 2000). These sources are of great use in facilitating our understanding of many aspects of life in the medieval Western Sahel, but they are not without their problems, principally because their content is frequently coloured by the world view of their authors – literate educated men who were describing societies very different from their own, and, importantly, until conversion to Islam increased among the general population from the twelfth to thirteenth century, were non-Muslim (Insoll 1994). Moreover, many of these historical and geographical works were compiled with little regard to their original sources. Incorporating and embellishing second- or third-hand accounts (Trimingham 1962: 2), they were frequently written far from the area that they purported to describe, in cities such as Cairo, Kairouan, and Marrakesh for example (Insoll 1994). Later, local chronicles such as the *Ta'rikh*

al-fattāsh (Houdas and Delafosse 1913) written by ‘members of the Ka’ti family’ in the mid-1650s (Hunwick 2003: 2), and the *Ta’rikh al-Sūdān* written by ‘Abd al-Sa’dī (es-Sa’dī 1900) at approximately the same time (ibid; Hunwick 1999), enhanced the external Arabic sources. Oral traditions constitute a third body of internally generated historical material.

Archaeology serves to correct and supplement the historical sources and has fundamentally altered our understanding of the origins of the Sahelian trade centres and states. It has revealed that these were indigenous foundations rather than colonies established by Muslim Arab or Berber traders from North Africa as was previously thought (e.g. Mauny 1961), when considered according to what has been described as the ‘Arab stimulus paradigm’ (R.J. and S.K. McIntosh 1988: 146). Archaeological evidence has discredited such theories. It is now recognised that urbanism and social complexity, for example, were developed locally (MacDonald 2011: 72), as was trade in an inter-regional context (Cissé et al. 2013: 37; MacDonald 2013: 836). It was to these trade patterns that long-distance trans-Saharan commerce was attached, although it too might have had pre-Islamic origins as is increasingly being attested archaeologically (Magnavita 2008; MacDonald 2011, 2013). The events of the medieval period, the heyday of trans-Saharan trade and of flourishing cities on the very edge of the Sahara, had their origins in these pre-existing foundations.

THE MEDIEVAL EMPIRES, TRADE CENTRES, AND THE GOLD TRADE

Ghana

The first major power of note which grew from as yet little understood origins was the Empire of Ghana, not to be confused with the modern nation of this name, a historical allusion to the same polity, situated in southern Mauritania and northern Mali (Figure 31.1). The origins of medieval Ghana can probably be placed in the mid-first millennium AD (MacDonald 2013: 838). The capital of the Empire of Ghana has never been located, though the traders’ town, which, according to the Arabic historical sources was attached to it, has been identified with the site of Koumbi Saleh in southern Mauritania (Berthier 1997).

This pattern of double settlement, one for the Muslim merchants and their followers and the other for the local ruler and his people, is a common one in the ‘first-contact’ situation in this region, where the two groups met for the first time. At Gao in eastern Mali, another of the major Sahelian trade centres, later to develop into the capital of the Songhai Empire (discussed below), twin settlements also existed (Insoll 1996, 1997). Such settlement patterning can hardly be said to be unique to the Western Sahel, and is an understandable phenomenon where two culturally and ethnically distinct groups enter into close proximity with one another, frequently for the purposes of trade. Dolukhanov (1996: 189) provides a similar example among the Slavs and Vikings during the medieval period. Whether Koumbi Saleh was in fact the traders’ town attached to the capital of Ghana is unproven, as no trace of its twin has been found. It is altogether more probable that the capital shifted over time (e.g. Togola 1996; R.J. McIntosh 1998; MacDonald 2013), as the later capitals of Ethiopian rulers on the other side of Africa would do (cf. Pankhurst 1992: 25). Thus

it is likely that Koumbi Saleh represents no more than the remains of a trade centre without any especial political significance (cf. MacDonald 2013: 838).

The Empire of Ghana prospered through trade, especially in gold. al-Idrīsī, writing in the mid-twelfth century, describes the ruler of Ghana tethering his horse to a 'brick of gold' (Levtzion and Hopkins 2000: 472). A brick which grew in weight from some 30 pounds in al-Idrīsī's day to a ton when Ibn Khaldūn reported its sale in the fourteenth century (Bovill 1968: 110). Even allowing for dramatic licence, large quantities of gold were available in West Africa at this time. The court of the king of Ghana was described in detail by al-Bakrī in the mid-eleventh century, and the wealth of gold available is evident in his description: the king wore a cap decorated with gold, the pages carried swords also decorated with gold, the horses were covered with gold embroidered materials, and even the dogs guarding the royal pavilion wore collars of silver and gold (Levtzion and Hopkins 2000: 80). In view of the amount of gold in circulation, steps were taken to ensure its continuing value and this was achieved by making all nuggets the property of the king, and only gold dust available for trade (Bovill 1968: 81–2).

The gold trade and the trade centres

Some detail of how the gold was obtained is also provided by the Arabic sources. The gold, extracted from shallow surface workings, was mined not in the Sahel but further south in the savannah, an area usually referred to as the West African Sudan (Insoll 2003: 314). Two of the most important sources were at Bambuk and Bure, where gold was extracted in a process shrouded in mystery to which Yāqūt (d. 1229) alludes when he records that, to quote, 'this is how their manners are reported though those people never allow a merchant to see them' (Levtzion and Hopkins 2000: 170). Once one of the miners was captured by a group of traders to try and discover the source of the gold. This was unsuccessful; the miner pined to death saying nothing, and his compatriots did not resume the gold trade for three years, and only then because they craved salt (Bovill 1968: 82). Hence gold miners were largely left to their own devices. Salt was one of the main commodities exchanged for gold – according to al-'Umarī (d. 1349), sometimes weight for weight (Levtzion and Hopkins 2000: 273). Al-'Umarī also refers to the actual process of trade as the 'silent trade', and describes how 'some of the remote peoples of the Sudan do not show themselves. When the salt merchants come they put the salt down and then withdraw. Then the Sudan put down the gold. When the merchants have taken the gold the Sudan take the salt' (ibid.). However, the weaknesses of the relevant historical accounts have been exposed (Moraes Farias 1974), and whether such a silent trade ever took place is unproven (Insoll 2003: 228).

The importance of trade is attested archaeologically at Koumbi Saleh, a site where imported Egyptian pottery used to filter water, lustre-decorated ceramics of North African origin, and blue, green, and yellow glass beads have all been found. Architecturally, Koumbi Saleh was organized on a reasonably regular plan of multi-storey houses built of stone. The remains of a large mosque and two cemeteries were also recorded (Thomassey and Mauny 1951, 1956; Berthier 1997). In many respects, Koumbi Saleh resembles the site of Tegdaoust, about 300 km northwest, also an important trade centre that has been investigated archaeologically and again a centre

in all probability associated with the Empire of Ghana. Architecturally, the two are very similar, but differ in the much larger quantities of imported materials found at Tegdaoust; glass, glazed pottery, beads etc. (D. Robert 1970; Vanacker 1979; Robert-Chaleix 1989).

Koumbi Saleh, Tegdaoust, and Gao were towns and cities strung along the fringe of the Sahara. To these could be added Timbuktu, a famous name discussed in greater detail below, or less familiar, but equally notable sites such as Essuk/Tadmekka in the Adrar des Iforas mountains in northern Mali. Even closer to the Sahara than Gao, this town whose name was recorded by al-Bakrī as meaning ‘the Mecca-like’ (Levtzion and Hopkins 2000: 85) was one of the earliest centres of Islam in West Africa. Excavation at this site has transformed our understanding of life on the southern frontier of the Sahara with an occupation sequence uncovered dating from the mid-first millennium AD to c.1400 (Nixon 2009: 217). The inhabitants participated in regional trade networks to the Niger Bend, for example. Trans-Saharan trade was in operation here from c.750 as attested by Islamic vessel glass and three grains of wheat, the latter of great significance as possibly attesting commerce in staple cereals, with wheat of potential importance ‘to an Islamic diet’ and as a luxury foodstuff (Nixon 2009: 251). A fragment of imported silk textile, unique archaeologically in West Africa, was also found, as were three fragments of coin moulds dated to c. AD 850–950, containing microscopic traces of gold, and probably used to make unstamped gold coin blanks that were then exported north of the Sahara (Nixon *et al.* 2011). Essuk/Tadmekka has also provided abundant epigraphic evidence (Moraes Farias 1990, 2003). The inscriptions cover the period between c. AD 1013–1014 and 1387. One of the inscriptions confirms the identification of the site as ancient Tadmekka (Moraes Farias 2003: cxxxiv), others provide important information on Islamisation.

Further to the east were the great copper-working centres recorded by the Arab historians; medieval Maranda, possibly to be identified with Marendet in Niger, and medieval Takedda, possibly to be identified with Azelik, also in Niger (Lhote 1972). The ‘lost caravan’ site in the Ijafen dunes in Mauritania also spectacularly attests the mechanisms of trans-Saharan trade, where 2,085 bars of brass, along with several thousand cowry shells once in sacks, were found (Monod 1969). These items, dating from the twelfth century, had been buried for safekeeping by a caravan crossing the desert to the Western Sahel and never recovered. This find provides what appears to be the sole reported instance of the archaeological survival of a camel caravan (Insoll 2003: 249).

Conversion to Islam

The initial caution implied by the pattern of twin settlements gradually gave way to one of mutual understanding, reflected in the amalgamation of settlements as at Gao (Insoll 1997). This process was accelerated by conversion to Islam among the local population (Insoll 2003). Frequently, initial converts to Islam were among the ruling class, sometimes for reasons of prestige, or for facilitating trade or administration through the use of Muslim officials and, importantly, though the use of Arabic writing in previously illiterate societies (Levtzion 1979: 214; Hunwick 1985a). To these factors favouring conversion must be added genuine belief in the tenets of Islam.

From the ruling classes, religious conversion gradually percolated down through society. In a process taking several centuries, Islam reached the townspeople, the merchants' local partners in trade, the nomads who accompanied the caravans criss-crossing the Sahara, and the bulk of the population, the sedentary agriculturalists (Trimingham 1959; Insoll 1999a: 159–62).

The question when and how the conversion of the ruler and people to Islam took place in Ghana has been the subject of some controversy. On the strength of the writings of Arab historians, it was once thought that conversion was attributable to the Almoravids, a reforming puritanical movement which drew its support from the Sanhaja nomads of the Western Sahara (Levtzion 1985: 138), and was ultimately to provide a dynasty which ruled parts of the Iberian peninsula and North Africa in the late eleventh to early twelfth centuries (Lomax 1978: 68–90). It was believed that zealous hordes of Almoravid desert warriors, supported by soldiers from the Muslim kingdom of Takrur in Senegal, destroyed the pagan Empire of Ghana and forcibly converted the inhabitants to Islam in 1076–7 (Trimingham 1962; Bovill 1968). However, a re-evaluation of both the Arabic and local sources, and the archaeological evidence (on the assumption that the identification of Koumbi Saleh with the merchant town is correct) showed this account of events to be erroneous (Conrad and Fisher 1982, 1983), in particular, no evidence for the destruction thesis emerged from the archaeological record. The conquest hypothesis would therefore appear to be flawed. From this it must follow that conversion was probably a more gradual process, commencing in the late tenth–early eleventh centuries and continuing thereafter. Koumbi Saleh was certainly occupied until the late fourteenth to early fifteenth centuries (Berthier 1997; R.J. McIntosh 1998: 259).

Although the Almoravid conversion hypothesis is flawed, their impact in the Western Sahel was felt. At Essuk/Tadmakka, occupation contracts from the mid-eleventh century, possibly as a correlate of Almoravid influence with an accompanying growth in evidence for trans-Saharan at Gao (Nixon 2009: 249). Certainly at Gao they seem to have been significant trading partners, as is discussed later.

Mali and Songhai

Likewise, it is indisputable that Ghana did decline, though why it did remains unclear pending the outcome of further archaeological investigations. However, various causes have to be considered: a deterioration in the environment, making life more precarious in the marginal Sahelian environmental zone, dynastic infighting, unquestionably a recurring problem of the subsequent Mali and Songhai empires, a shift in trade patterns (see for example Togola 1996). Certainly by the late twelfth to early thirteenth century Ghana was no longer a force to be reckoned with. But the gap this created did not persist for long. A new state, Mali, grew to take its place (Bovill 1968; Levtzion 1973, 1985). Unfortunately, the origins of Mali are also unclear (MacDonald 2013: 840). Its centre was situated away from the Sahel (perhaps a further indication that environmental factors were in part responsible for the decline of Ghana). Mali was a product of the savannah, the vast grasslands that stretch in a broad band right across Africa from the Atlantic to the Red Sea coasts.

The early history of Mali is not well recorded in the Arabic sources, but again oral tradition helps to fill in the gaps, by means of narratives lovingly handed down

through the generations by the Griots, poets charged with recording oral history. The greatest epic is perhaps *Sundiata, An Epic of Old Nali* (Niane 1986) which records the conflicts between Sumanguru, the evil-magician king and Sundiata Keita, the progenitor of the Malian dynasty in the mid-thirteenth century. Again, archaeology has been utilized in an attempt to locate the capital of Mali, with excavations undertaken within the Republic of Guinea at the site of Niani. Here the remains of various structures were uncovered, several round houses, and, possibly, the *mihṛāb* or prayer niche of a mosque, and an audience chamber. An attempt to match the archaeological finds with the historical description of the capital of Mali provided by the famous Moroccan traveller Ibn Battuta in the mid-fourteenth century (Filipowiak 1978, 1979) has proved fruitless, however. No imported material, other than a few beads of nineteenth century date was recovered, and there is an absence of recognizable Muslim graves at the site. Moreover, there appears to be a gap in the occupation sequence between the thirteenth and sixteenth centuries (Fauvelle-Aymar 2012: 247–48; MacDonald 2013: 840).

Niani may have been an Islamised settlement, but it was not associated with the Empire of Mali in its fourteenth-century heyday. It is more likely that the capital of Mali may have shifted ‘more than once during its imperial period from the twelfth century to the sixteenth century’ (Conrad 1994: 377), and several locations have been proposed (Fauvelle-Aymar 2012: 240). One site possibly linked with the Empire of Mali is Sorotomo near Segou in the Republic of Mali where, crucially, excavation indicated occupation between the early thirteenth and fifteenth centuries, and oral traditions claimed it as ‘the centre of a semi-autonomous sultanate of the Empire’ (MacDonald *et al.* 2009–2011: 63).

The high point of Mali was without doubt the period of rule of Mansā Mūsā (1312–37). Mansā Mūsā extended the empire in all directions; north to the important salt mines in the Sahara, west to Takrur on the River Senegal, and east, encompassing Gao, as far as the frontiers of Hausaland (Levtzion 1973). He is also credited with building several of the great monuments of the Western Sahel, a palace, the Madadougou in Timbuktu (as yet undiscovered), and a mosque in Gao for example. Yet perhaps the most enduring historical memorial to Mansā Mūsā’s memory is the fabled pilgrimage he made to Mecca in and after 1324, accompanied by a vast number of retainers and huge quantities of gold (Bovill 1968). Mansā Mūsā’s prodigious spending of gold during the course of the *hajj* was remembered long after he had returned home to Mali. Al-‘Umarī, who was in Cairo twelve years later, noted that, the townspeople of Cairo still remembered Mansā Mūsā fondly for the gold he spent and gave away there. According to Bovill (1968: 87), ‘so much gold was suddenly put into circulation in Egypt that its market value fell sharply and had not recovered in al-‘Umarī’s time’.

But Mali’s days, like Ghana’s, were numbered. Though remaining a powerful empire until about 1400, Mali then faced incursions by nomadic Tuareg and a revolt by Gao. The end was only a matter of time, and effective political power was finished by the mid-fifteenth century (Levtzion 1985). The final great medieval empire of the West African Sahel was the Songhai Empire, whose origins can be placed in what is best termed the ‘proto-Songhai’ kingdom which had existed since at least the tenth century (Insoll 1996), though as has been noted it owed allegiance to Mali during parts of the thirteenth and fourteenth centuries (Levtzion 1985; Hunwick

1985b). The Songhai Empire was focused on Gao, the capital, a city in existence by the mid-first millennium AD, as has been shown by archaeological investigations described below (Insoll 1996, 2000). It also appears that by the tenth century the ruler of Gao was a Muslim, and that conversions among the population of the city proceeded rapidly in the eleventh and twelfth centuries.

In 1373 Gao recovered its independence from Mali and the era of Songhai expansion began. The first of the great Songhai rulers, comparable in his achievements to Mansā Mūsā, was Sonni Alī, who assumed power in about 1464 and greatly expanded the Songhai domains (Hunwick 1985a, 1985b). Sonni Alī, however, for all his achievements, is castigated in the *Ta'rīkh al-Sūdān* (es-Sa'dī 1900) for not being a good Muslim. How much his 'bad press' might have been exaggerated is not certain, but we do know that on his death in 1493 he was succeeded by the first of a new line of rulers, the Askīyās. The assumption of power by Askīyā Muhammad signalled a new era of Islamic revival in Gao. Muslim scholarship flourished, the Songhai Empire prospered, and Askīyā Muhammad went on *Hajj* to fulfil his religious duty but also to 'establish firmly' his image 'as a Muslim ruler' (Hunwick 1985a: 342).

TIMBUKTU

The paramount centre of Muslim scholarship in West Africa during the Songhai Empire was Timbuktu, a city whose name is well known in the Western world having become a metaphor for the remote and mysterious (cf. Herbert 1980) (Figure 31.1). Timbuktu served as a centre of trans-Saharan trade during the medieval period but also as a focus of Muslim learning. Alongside the city of Harar in Ethiopia, it could be classed as the pre-eminent Muslim university town in sub-Saharan Africa (Insoll 2003: 254). Islamic texts were copied and sciences studied there, notably at the Sankore mosque complex, a building still standing today (Figure 31.2). Although rebuilt, it was originally founded some time during the period when the Empire of Mali controlled the city between 1325 and 1433. Built of mud brick and Timbuktu stone (a type of hard clay or limestone), it was the abode of the most prominent scholars (Mauny 1952; Insoll 1999b). Students were taught the Qur'an, *hadith*, and Islamic law and sciences, and travelled to other great centres of Muslim learning such as Cairo and Mecca, from which scholars were likewise received. Many private libraries were also established within the city, the noted scholar Ahmad Bābā being reputed to have had 1,600 volumes at the time of the Moroccan conquest of Timbuktu in 1591 (Saad 1983: 79).

Recently, some of the architectural and documentary heritage of Timbuktu was destroyed or damaged as a consequence of conflict in the region. Although reliable information on the extent of the destruction is elusive, UNESCO estimates that 4,203 manuscripts from the Ahmed Baba research centre were lost and fourteen of Timbuktu's mausoleums destroyed (Web Reference 1). In 2015, eight of the mausoleums were rebuilt with UNESCO assistance using local materials and craftsmen (Web Reference 2).

According to the Arabic sources, Timbuktu was a relatively late foundation (eleventh century), which prospered through trans-Saharan trade in salt and gold, especially at its height (c.1350–1600) (Herbert 1980). Archaeological research in Timbuktu has been limited (Insoll 1998a, 2002). The surrounding region has been



Figure 31.2 The Sankore mosque, Timbuktu. Photo: R. MacLean.

surveyed (S.K. and R.J. McIntosh 1986; Post Park 2010), and excavation of a mound site on the city outskirts indicated pre-Islamic occupation of the region between c.500 BC to AD 900–1000 (Post Park 2010: 1080, 1083). Within the city itself, besides the Sankore, two other mosques dating from the medieval period still stand, and have been rebuilt over the centuries (Insoll 1999b). These are the Djinguereber, possibly thirteenth century in origin, and the Sīdī Yahyā, founded c.1440 (Mauny 1952: 901–11).

Archaeological survey in Timbuktu found areas of possible early settlement in the vicinity of the Sankore and Djinguereber mosques (Insoll 1998a). This included a multi-coloured glass bracelet fragment similar to material dated to the fourteenth century at sites on the Red Sea coast of Egypt (Whitcomb 1983: 106–7), and also paralleling material from the salt-mining site of Tighaza in the Malian Sahara (Monod 1975: 717), through which the trade caravans probably passed on leaving Timbuktu. Another unique find was a possible sherd of southern Chinese Celadon dated to the late eleventh-early twelfth century (Insoll 1998). Unfortunately, excavation in the vicinity of the Sankore mosque did not confirm the survey evidence, with only material dating from the late eighteenth century onwards being recovered (Insoll 2002). This included 306 tobacco pipe fragments, important, as these are a ‘type fossil’, as they only appear after the introduction of tobacco via European merchants to the West African coast in the late sixteenth century (Insoll 2003: 257). The pipes seem to have been locally produced and little influenced by either Ottoman or North African products (Insoll 2002: 16). It is probable that earlier occupation levels remain to be excavated, buried under deep layers of sand resulting from the sandstorms that periodically occur (Insoll 1998a).

By contrast, the history of Timbuktu is fairly well established. The ‘golden age’ of the city occurred during the era of the Songhai Askīyā dynasty, established by Askīyā

Muhammad (Hunwick 1985a), as already described. The population during the late sixteenth century has been estimated at a staggering 75,000, with 7,500 of this total being students (Saad 1983: 90): huge numbers to maintain on the edge of the Sahara. To support this population, trade was essential, and Timbuktu was linked through both trade and intellectual life to Djenne further south on the River Niger. From Djenne, Sudanic gold and foodstuffs were sent north to Timbuktu in exchange for commodities such as salt, and finished items such as cloth. The salt trade was of especial significance not only between Timbuktu and Djenne but throughout the region. Salt was shipped from the Saharan sources to the major trade centres such as Gao and Timbuktu in blocks slung on camels. From here it was transported by a variety of means, riverine, and human and animal portage (Insoll 1996: 77). The scale of the demand for salt is manifest by an observation by the Scottish explorer Mungo Park who travelled along part of the River Niger at the end of the eighteenth century and saw ‘a child suck a piece of rock-salt, as if it were sugar’ (1807: 418). Djenne was the Islamized successor of an earlier settlement, Jenné-Jeno, abandoned c.1400, possibly because it was considered too tainted by non-Muslim practices (S.K. and R.J. McIntosh 1980; S.K. McIntosh 1995). Jenné-Jeno has been the focus of much detailed archaeological work, and can be considered the first site in the region to have benefitted from examination by modern archaeological techniques.

Inevitably, tales of fabulous wealth accompanied the caravans north across the desert from Timbuktu and indeed the gold itself was an indicator of the riches of the Western Sahel and Sudan. Unfortunately, the consequences of this reputation were to prove profound. In 1591 a Moroccan army of conquest crossed the Sahara and routed Songhai forces at the battle of Tondibi. This defeat, the subsequent persecution of the intellectual community of Timbuktu, and the abandonment of Gao as the Songhai capital, marked the end of the last of the great medieval empires of the Western Sahel.

THE APPLICATION OF ARCHAEOLOGY: GAO – A CASE STUDY

In comparison to Timbuktu, the archaeology of early Gao, the capital of the Songhai Empire, is now fairly well understood. This provides a striking example of the utility of archaeology in supplementing our understanding of all aspects of the medieval period in the Western Sahel, particularly regarding settlement and architecture, religion, and trade.

Settlement and architecture

During the initial period of contact (c. tenth century) between Muslim merchants and the local inhabitants settlement at Gao followed the pattern of twin centres previously described (Figure 31.3). Initially, this separation, at the sites of Gao Ancien and Gao-Saney, was probably due to religious differences, but the persistence of dual settlements after Islam had spread to the inhabitants of Gao Ancien in the late eleventh to twelfth centuries may have been attributable to security considerations, in particular the desirability of keeping nomads at a distance from Gao Ancien (Insoll 1996: 48).

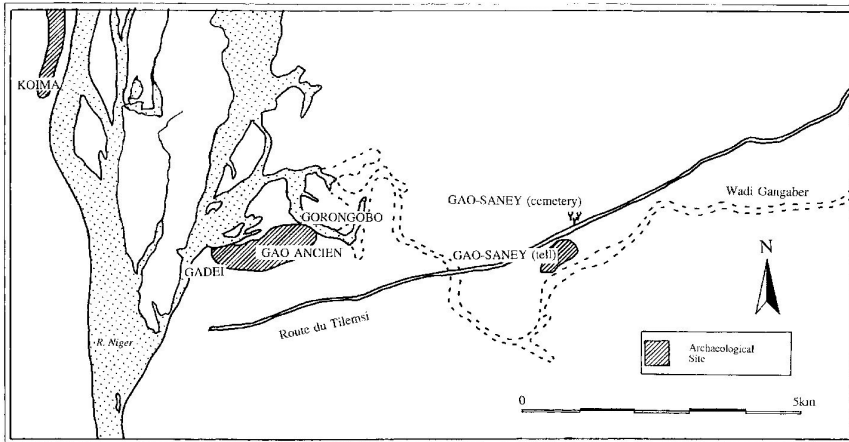


Figure 31.3 The archaeological sites at Gao.

Excavations in Gao Ancien have uncovered a central citadel, with elaborate mud and fired-brick buildings being occupied in the twelfth to thirteenth centuries (Insoll 1996, 2000). Stone buildings dating from the tenth century were also constructed, and abandoned, prior to the brick buildings (Takezawa and Cissé 2012: 831). This was also the peak period of the city's trans-Saharan trade and the buildings reflect the wealth created by this activity. Parts of what appears to be a mosque and a house belonging to a rich merchant have been recorded (Insoll 1996), as well as part of an elite or royal residence (Cissé *et al.* 2013: 14). Interestingly, the brick buildings were not monochrome but were decorated with coloured plaster, red on the fired-brick floors and white on the walls, and similar use of coloured plaster has also been subsequently recorded at Essuk/Tadmekka (Nixon 2009: 229). At Gao, the brick buildings had walls built of unfired brick, cheaper to produce in this resource-poor environment (Insoll 1996). A fragment of window glass found, along with parts of drilled alabaster frames, suggests that the walls of some of the principal buildings in Gao Ancien were inset with glazed panels (Insoll 1998b), perhaps similar to the palace of the king of Ghana described by al-Idrīsī as provided with glass windows (Levtzion and Hopkins 2000: 110).

Excavation in a quarter neighbouring Gao Ancien, Gadei, failed to discover evidence of such affluence. Here buildings were of a more traditional style, in mud, and rather than using rectilinear plans, roundhouses were built, one of which was uncovered. This type of structure is still utilized in areas south of Gao, and its use is one of the differences between the two quarters, Gadei, the local quarter, and Gao Ancien, the mercantile centre and probable site of the rulers' settlement. A third site, Gao-Saney, some 8 km east of Gao itself, and comprising a large tell or mound and an attached cemetery (Flight 1975, 1981) has proved prolific in manufacturing debris, such as slag from iron production, and fragments of carnelian from bead working (Insoll 1996). It is here that the Arab and Berber traders may have resided initially, and excavation has indicated that the mound was occupied between AD 700 and 1100 (Cissé *et al.* 2013: 19).

Religion

The inhabitants of Gao Ancien and Gao-Saney appear certainly (and those of Gadei possibly) to have been Muslim. Evidence for the presence of Muslims at Gao-Saney includes various inscribed Muslim tombstones, five of which would appear from the marble they are made and the style of epigraphy to have been imported ready-carved from the vicinity of Almería in Muslim Spain in the early twelfth century (Sauvaget



Figure 31.4 A Muslim tombstone from Gorongobo cemetery, Gao (1130). Photo: T. Insoll.

1950; Vire 1958; Moraes Farias 1990, 2003). Inscribed tombstones were not confined to Gao-Saney. Gao Ancien was also ringed with Muslim cemeteries, and the inscriptions recovered from these have also provided information on Islamisation processes within the region between the early twelfth and fourteenth centuries. For example, in the Gorongobo cemetery the oldest dated inscription (AD 1130) found *in situ* in Gao was recorded demonstrating the practice of Islamic funerary rites at this date (Farias 2003: 65–66) (Figure 31.4). At Gadei such explicit indicators of Islam were absent, though among items recovered were a large wooden bead from a set of prayer beads or Muslim ‘rosary’ and the remains of what appears to have been a Muslim amulet cover (Insoll 2000).

Trade

By far the most abundant evidence recovered from Gao was that indicating participation in long-distance trade. In Gao Ancien this was especially noticeable in occupation levels dated to the eleventh to twelfth centuries, and indicating a veritable boom period in trans-Saharan trade (Insoll 1996). This consisted largely of the export of commodities across the desert in return for finished manufactured goods, frequently of luxury categories.

Possibly the most spectacular evidence for the export trade was a cache of over 50 hippopotamus tusks uncovered in a pit radiocarbon-dated to the mid-ninth century in Gao Ancien (Figure 31.5). It appears that these represent a consignment of ivory that was awaiting shipment to the workshops of North Africa, and for some reason



Figure 31.5 The cache of hippopotamus tusks found in Gao Ancien. Photo: T. Insoll.

was never sent (Insoll 1995). A substantial ivory trade between West and North Africa existed, but is little mentioned in the Arabic sources, possibly because the use of feathers, horns, hoofs, or tusks derived from animals which were not ritually slaughtered, was frowned upon by orthodox Muslims (Levtzion and Hopkins 2000: 55). Large quantities of ivory were certainly used in the workshops of the Maghreb, Islamic Spain, and Egypt, with the workshops of Islamic Spain famed for the inlaid and carved caskets and ivory encrusted mosque furniture which were produced in cities such as Madīnat al-Zahrā in the tenth century, and in other centres during subsequent Almoravid, Almohad, and Nasrid rule (e.g. Dodds 1992: 264–69). Ivory cubes, often along with blocks of ebony and other woods, were used to create inlaid patterns, and it is for this work that hippopotamus ivory would have been most suited, being whiter, denser, and less prone to splitting than elephant ivory (Penniman 1952; Krzyszkowska 1990).

It is probable that the animals from which the tusks were obtained were hunted locally, having once been common on the River Niger in the vicinity of Gao. Hippopotami were hunted by a specialist sub-group of the Songhai, the Sorko (cf. Rouch 1997), and al-Bakrī provides us with a description of a hunt in the mid-eleventh century, without referring to the hippopotamus by name:

In the Nil [Niger] . . . , an animal is found living in the water, which resembles the elephant in the great size of its body as well as its snout and tusks. . . . They recognize its whereabouts in the Nil by the movement of the water over its back, and hasten there, armed with short javelins which have rings at the blunt end with long ropes tied to them. They throw many of these javelins at the animal which submerges and struggles at the bottom of the Nil. When it dies it floats to the surface of the water and they drag it out. They eat its flesh and from its hide make those whips called *surriyāqāt* which are carried from there to other countries.

(Levtzion and Hopkins 2000: 78)

By contrast with Essuk/Tadmakka, in Gao, material evidence of the extensive gold trade of which the Arabic historical sources carry reports is more elusive. In Gadei a small gold bead was found (Insoll 2000), and at Gao Ancien a gold *mith-qāl* coin of North African origin dating from 952–75 has been reported (Latruffe 1953), though this coin has subsequently disappeared. Two small fragments of gold weighing just 2.5 g and 2.25 g were also found in Gao Ancien (Takezawa and Cissé 2012: 833). Equally, evidence for the slave trade is lacking, as by its very nature it is largely archaeologically invisible. Much more abundant are items sourced from North Africa and elsewhere in the Muslim world, and beyond, the goods that were sent south in return for West African commodities. At Gao-Saney, 809 copper artefacts were recovered including over 400 copper crescents (Cissé *et al.* 2013: 25), possibly a currency item (Insoll 1996: 77). Preliminary analysis of seven of these crescents suggested the copper might have come from Tunisia, a pattern repeated at other Sahelian sites (Cissé *et al.* 2013: 27), and indicative of trans-Saharan trade.

A large assemblage of imported glazed pottery and glass was recovered from Gao Ancien dating primarily from the eleventh to twelfth centuries (Insoll 1996: 63–6). This includes products of Ifriqiyan (Tunisian) origin, and others from Egypt and

Spain, along with fragments of glass from the same areas (Insoll 1996, 1998b). Over a thousand glass beads have also been recovered (Insoll 1996, 2000), the majority of coloured glass and of types referred to as ‘trade beads’, produced in vast quantities in both India and Egypt. This has been supplemented by a further 9,000 glass beads recovered from more recent excavations in Gao Ancien (Takezawa and Cissé *et al.* 2012: 834). Chemical analysis of glass beads from Gao-Saney indicated a source in the Middle East, likely to be east of the Euphrates River (Cissé *et al.* 2013: 29). Semi-precious carnelian beads have also been found in Gao Ancien (Insoll 1996). Compositional analysis indicated that some of these are likely to be of Indian origin, probably from the coast of Gujarat in western India. Others are of West African provenance (Insoll *et al.* 2004). These beads were then traded onwards from Gao throughout West Africa (Insoll and Shaw 1997) and testify to the extent of trade networks which linked West to North Africa and on via Egypt and the Red Sea to the Indian Ocean and, indirectly, even to China (Insoll 1999a: 152–62).

The most active trading partner attested by the archaeological evidence, however, was Muslim Spain, especially during the period of Almoravid rule, an emirate aptly described by Farias (2003: cxxv) as ‘Afro-European’. Possible trade in hippo ivory and imported tombstones of Almerian provenance apart, there are also the sherds of lustre-ware recovered from Gao Ancien which have been shown to be identical to the twelfth-century material recovered from excavations in Málaga (Gómez Moreno 1940), and architectural parallels discernible between the fired-brick structures of Gao Ancien and those in the *alcazaba* in Almería (Insoll personal observation). Moreover, analysis of the gold bead from Gadei indicates specific Almoravid connections, though with North Africa rather than with Spain, the composition of the gold from Gao precisely matched that of Almoravid gold dinars minted at the North African city of Sijilmasa, indicating West African ore was used, in all probability sourced via Gao (Guerra 2000: 153–54).

CONCLUSIONS

In the absence of detailed historical sources, archaeology is increasingly providing an insight into many aspects of past lives in the great states and urban centres in the West African Sahel. Although firmly rooted in their local context and subject to trajectories of indigenous development, it is clear that the vibrant towns of the Western Sahel, and the empires in which they were located, were an integral part of the medieval world. They helped to fuel the medieval Muslim world economy, an economic system which was, in turn, intimately related to that of Christian Western Europe. It is altogether possible that ivory or gold of West African origin via Gao and Timbuktu found its way into the workshops, treasuries, and cathedrals of medieval Western Europe. The ‘medieval’ Western Sahel was truly part of the medieval world.

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CHAPTER THIRTY-TWO

MEDIEVAL LAW



Susan Reynolds

In 1888 F. W. Maitland, the greatest of all historians of medieval law, gave his inaugural lecture the title ‘Why the history of English law is not written’ (Maitland 1911: I. 480). The three masterpieces he wrote in the next ten years transformed the knowledge and understanding of English law before 1272,¹ and this century has seen great advances in the history of the later medieval law both of England and other European countries. Yet in one respect the situation has not improved. Maitland deplored the ‘very complete and traditionally consecrated ignorance of French and German law’ among English lawyers, since, as he put it, ‘there is nothing that sets a man thinking and writing to such good effect about a system of law and its history as an acquaintance however slight with other systems and their history’ (Maitland 1911: I. 489–90). Yet, even if he was almost the only legal historian in England to be involved in it, interest in Germanic origins in his day stimulated wide-ranging work by those outside. Much of it now looks distinctly unconvincing, but during most of the twentieth century the English have not been alone in their insularity. As the history of medieval law has become more learned and specialised it has become encased in separate national traditions, transcended only in the study of medieval Roman and canon law. That has provided many valuable insights, but much of it has concentrated on academic law rather than on legal practice (Coing 1973). On practice, and on the kind of law that most affected non-lawyers, comparisons or general histories above the level of textbooks for law students have until recently been rare.² It is not difficult to see why, given the mass of detailed work written within different legal traditions and often making few concessions to readers unfamiliar with their respective terminologies. In the circumstances this essay, which is primarily concerned with legal practice, will merely suggest some problems and propose a general framework within which comparisons might be made. It will concentrate on what it suggests are the bare outlines of the way secular law and secular jurisdictions developed, saying little about substantive law, such as rules about inheritance, family law, the rights and obligations of property, and so forth.³ So far as ideas and doctrines are concerned it will focus more on the kind of assumptions about what is right or wrong, legal or illegal, that can be detected from the records of practice, than on the doctrines worked out by academic and professional lawyers.⁴ It concentrates on

Catholic Europe, and draws examples from only a few countries within it. What is left out is not left out because it is not interesting or important but because a short essay has to be selective. Much of what is included should be understood as hypotheses that need to be tested.

BEFORE THE TWELFTH CENTURY

Most historians of medieval law concentrate on the later Middle Ages and have rather a low opinion of law before about 1100, which has traditionally been seen as based on oaths, ordeals, and 'Judgements of God' deriving from the primitive ideas and practices of barbarians, rather than on the rational arguments of classical Roman law. A good deal of this picture has been questioned in recent years as historians have looked again at the evidence surviving from the early Middle Ages in the light of what is known about societies outside Europe that have also lived by unprofessional, customary law (e.g. Clanchy 1970; Davies and Fouracre 1986; Bowman 1997; Reynolds 1997a). 'Customary law' covers a wide range. Here the expression is used to mean the kind of law that seems to have governed a good many smallish, unbureaucratic societies in different parts of the world that made little if any use of written records and are known to us chiefly through the work of anthropologists. Disputes in this kind of society are judged, and crimes punished, according to what is thought of as custom, and generally as old custom, which is declared by a person or a group who is thought to speak on behalf of the whole community whose custom it is. Some people speak with greater authority because of their experience and general knowledge of custom, and often too of their high social status, but there are no professional lawyers in the sense of people who have a specialised training and make their living by legal practice. According to definitions designed to suit the law of modern states, this kind of law is not law at all, but it seems to serve the purposes of what we call law in so far as it is authoritative and enforceable. It may seem unclear, variable, and poorly enforced, but then so, at times, is modern law.

Analogies prove nothing. There is no *prima facie* reason why societies in early medieval Europe should have managed their affairs in the way that some early twentieth-century African societies managed theirs. What matters is the evidence. But, as Maitland indicated, looking at other systems of law may suggest new ways of looking at it. Early medieval laws, charters, and records of disputes constantly refer to what is just and right. Sometimes they equate this explicitly with what is in accord with custom (*consuetudo*, *mos*, *usus*). If they do not, it is because they assume generally accepted norms, which comes to much the same thing. Recently it has been suggested that there were no real customs in France, except within families, before the twelfth century – which presumably means no law either (Gouron 1993: XX, XXI; cf. Ourliac 1982, 1993: 271–84). This suggests both a rather culture-bound attitude to law and 'la fétichisation terminologique' into which medievalists – and not only French medievalists – have sometimes fallen (Barthélemy 1997: 10, 105). While the word *consuetudines* apparently occurs most often in eleventh-century documentary French sources to denote seigniorial dues, *mores* and *usus* are also mentioned and often convey the sense of normative custom (Guillot 1983). Irrespective of words, moreover, French documents, like those of other countries, imply assumptions about what is right or wrong, lawful or unlawful. It is hard to see how lords ruled their

lordships, or local communities managed their affairs, if it was not by some kind of customary law.

The Roman law on which some groups in Italy and elsewhere in southern Europe prided themselves was also to a large extent customary law. The old obsession with defining law as Roman or Germanic has come to look more and more pointless. Roman law in the provinces had always been different from that of the classical jurists, and the collapse of Roman government in the west had changed the conditions in which it worked (Classen 1977; Bowman 1997). Some of the most apparently barbaric or Germanic features of early medieval law, like oaths and ordeals, may have come as much from the 'vulgar law' of the provinces as from barbarian invaders. What is called 'personal law', the 'personality of law', or, even more confusingly, 'legal personality', and contrasted with 'territorial law', also looks less like a reflection of Germanic ideology than a response to the movement of people into areas with different customs (Davies and Fouracre 1986: 1–22; Amory 1993; Collins 1998; Pohl 1998). Most rulers, while allowing local variation as a matter of course, tried to apply the kind of law they cared about – that is, obedience to themselves – to everyone under their rule. The different laws inherited from their ancestors that some individuals nevertheless claimed to follow was sometimes allowed to modify procedures by which they were tried, but may sometimes have amounted to little more than rules about property and inheritance (Everett 2000). Just at the period when historians have traditionally seen 'territorial law' replacing 'personal law', rulers started to grant collective privileges to groups, thus entrenching aspects of a new kind of 'personal law' which outlasted the Middle Ages. What collective grants emphasise above all, however, is the overriding importance of custom and its authoritative and enforceable character. From the charter secured by the Genoese in 958 on, one of the most valued privileges any local community could receive was to run its own affairs according to its own customs.

That law was thought of as custom, and preferably old custom, does not mean that kings and other rulers could not change it. They did, but when a king legislated, he did so as the supreme representative of the community of his people, correcting or clarifying their custom. Even when he did not say so, he probably consulted first – or should have consulted – with the nobles and clergy who also represented the community to him. Legislation was done most often by word of mouth, but sometimes by announcing new or amended rules in charters, and sometimes by what are misleadingly called law-codes (Wormald 1977, 1999). These did not codify law in the modern sense. How far they affected practice is much discussed and must have varied (McKitterick 1989, 1990). The collection and writing down of laws nevertheless conferred a Mosaic and Roman prestige on a king and his kingdom.

The charters and memoranda that record disputes also tell how kings and lords made their grants and adjudications with the counsel and consent of their great men. The ordeals and judicial duels that look so irrational to modern eyes seem generally to have taken place only after discussion, and if the discussion had not produced an answer (e.g. White 1995). Whether or not everyone believed in their supernatural authority – and some clearly did not, just as some people do not think judges or juries always get things right today – they had the merit of offering a final end to debates. Oath-taking did not rely only on belief in divine retribution: making someone get half a dozen or so of his neighbours to swear with him

(compurgation) was like getting half a dozen public referees to his character. The character of the assemblies that met to do justice varied according to political conditions and the status of the parties: sometimes a king or other ruler, or his deputy, presided, sometimes not. Where there was no effective ruler proceedings look more like what we might call arbitrations than lawsuits. That made enforcement harder but did not necessarily affect procedures otherwise. King Alfred of Wessex (871–99) delegated the hearing of one case to an apparently ill-defined group (including ‘more men than I can now name’, as one of them said later) and only intervened when they asked him, while he was washing his hands, to use his authority to make one of the parties submit to their collective judgement (Keynes 1992). As this may imply, a king was the ultimate authority in secular matters. Even where there was no formal hierarchy of courts or assemblies, where the king was too remote or too weak, or some of those who felt unjustly treated by local powers were too poor and humble to get to him, his duty to protect his people and do justice to them implied some kind of right of appeal to him (Reuter 1993; Fouracre 1997; Nelson 1997).

Collective judgement in conformity with good custom was clearly what was thought normal and right (Weitzel 1985; Davies and Fouracre 1986: 214–28; Reynolds 1997a: 51–9). There was nothing democratic about this: though large assemblies were preferred for important issues, those who took the lead in them were the men (and naturally only men) of the highest status in the community, even if, in the assembly of a village or lordship, that meant only the more prosperous peasants among them. Lords could on occasion bully or overrule their subjects, which explains why in some cases it seems to have been thought right for judgements to be made by the peers of someone accused by his lord. At the lowest level, however, it is easy to see why a peasant might find it hard to get neighbours to swear to his freedom when his and their powerful and influential lord said he was a serf. At the highest level, the emperor Conrad II used emotional blackmail on his son Henry when his nobles refused to condemn a duke who was Henry’s friend: the nobles realised uncomfortably that Henry might soon have replaced his father. Conrad took to his bed and refused to speak until Henry relented (MGH *Briefe* 1949, no. 250). Henry himself, once emperor, was in a position to take a tougher line when he told the Bohemians who wanted their customs preserved that kings had long and iron hands with which to twist the wax nose of the law (Reynolds 1997a: 21). Reports of legislation and litigation nevertheless suggest that laws were supposed to embody the custom of what were thought of as communities of government and law, and that those who made judgements did so on behalf of those imagined communities. Reports of arguments are rare but there are enough to suggest that it took place and that, though unsystematic, it was rational in the sense that it was conducted between human beings who were at least supposed to be thinking about what would be just and right in the case at issue. They were not just performing a ritual designed to make peace. Documentary evidence was sometimes produced, examined, and discussed, but the testimony of living witnesses, whether a sworn panel or those who had seen the grant made of the rights exercised, was often preferred. The lay defendant in a case brought by the Abbey of Prüm early in the twelfth century mocked the abbot’s reliance on a charter: anyone with a pen could write anything (*Dip. H. IV*: no. 476). If witnesses took part in judgement, that did not matter: the

more knowledge of facts and knowledge of law were diffused and shared, the easier it would be to achieve consensus.

Rituals of course took place, lending authority and publicity to what was decided, but they may have been less rigidly applied than in the age of official records and courts dominated by professional lawyers and judges. Most surviving records from this period were made by churches for their own purposes and concern rights to land and disputes about them, which were obviously important in largely agricultural economies. That does not mean that law about other matters did not matter: laws issued by kings are full of rules and penalties about crimes, but trials and punishments did not generally need to be recorded as did titles to land. Custom, however supposedly old and unchanging, might in practice be quite flexible. The precedents that were remembered would be those that would suit the case – or the side of the case that the dominant members of the assembly favoured. Words that would later become terms of art were used in different ways by different scribes, who in any case were nearly all writing in Latin, while the oral proceedings they described were presumably in a vernacular. The rights and obligations attached to landed property, moreover, varied according to political and economic circumstances. Words like *proprietas*, *proprium*, *patrimonium*, *beneficium*, *feodum*, *alodis* were therefore bound to imply different rights and obligations in different places and at different times (Reynolds 1994).

None of this means that there was no place at all for professionalism (Wickham 2009). Some of the commissioners (*missi*) whom Charlemagne sent out with written instructions to judge and administer his empire must have acquired expertise with time, as did the panels of *scabini* or judges, and perhaps some advocates who served in the north Spanish kingdoms. In Catalonia the texts of Visigothic law were consulted and cited, and from the eleventh century the counts of Barcelona had an archive of charters which must have needed custodians who were at least literate. The judges and notaries of Italian cities kept official records and had a more or less professional expertise and function (Bougard 1995; Everett 2000; Wickham 2009), while there were, of course, academic and professional lawyers in Constantinople. They, however, like the jurists of ancient Rome, may not have had much influence on provincial practice. How far the quite different and un-Roman professionals of Ireland affected practice is also uncertain (Stacey 1994: 127–9). On such evidence as I have found, it is in any case not easy to draw a boundary between a professionalism derived from formal training and the kind of expertise that comes from long experience and intelligence. The lawspeakers of Iceland and the *ynaid* of Wales may fall either side of it (Miller 1990, 221–58; Davies 1986). By and large, however, what we know of law in much of Europe at this time suggests that legal knowledge was undifferentiated and widely diffused. Law was based on custom, interpreted when necessary by some kind of collective judgement or advice offered by people who carried weight in their respective communities.

THE TWELFTH CENTURY AND AFTER

Early medieval law, like most law, had some elements that to an outsider look rational and others that look irrational. What happened around the twelfth century was less that law became rational than that it began to become the business of experts, arguing

in what look to us more like law-courts, rather than in general-purpose assemblies (Reynolds 2012). Its rationality thus became at once more systematic and more esoteric (Reynolds and others 2003). The reasons for the change were complex, but it seems clear that economic and demographic growth both encouraged rulers and lesser lords to be more demanding and made possible the spread of schools which provided them with literate and numerate servants to manage their affairs (Clanchy 1993). The overlap between bureaucrats who kept records and lawyers who argued from them was large, especially at first, before jobs had multiplied and skills had become specialised. Law, however, did not become a profession only because it provided employment and profit. It was also intellectually exciting. Its study, like that of theology and philosophy, was based on texts that stimulated thought by combining high authority with length, complexity, and apparent contradictions and obscurities. Written collections of Lombard laws were being studied in north Italy by 1000, and the full text of Justinian's *Corpus* became available about 1070 (Cortese 1995: 1. 238–53, 380–8; 2. 13–27, 38–41). Canonists quickly made use of the Digest, as the study of church law advanced under the same combination of practical and intellectual pressures (Kuttner 1982). Writers on law, both ecclesiastical and secular, began to pose problems (*quaestiones*), collect contrary authorities that bore on them, construct arguments, and make distinctions and classifications in much the same the way as came to be characteristic of medieval scholarship in general. Both kinds of law, unlike traditional law, not only relied on authoritative texts, but used written procedures. Parties submitted their claims in writing; witnesses were examined on the basis of written articles or interrogatories and their depositions were written down; and sentences or judgements were made by the presiding judge himself. If he was subject to advice it was that of academically qualified lawyers, not of the general public. It was a system well suited to the Church's need to see that decisions conformed to canon law and to allow reports and appeals to be made to Rome, but it was also used and developed in courts practising the civil law (Sayers 1971: 43–5, 78–93; cf. Collinet 1932: 9–11, 28–31, 346–7, 362–6; Fraher 1989a). The resulting records show how more structured procedures went along with more structured argument.

At Pisa the new law was enthusiastically embraced soon after the middle of the twelfth century, and not just by lawyers: the parties themselves, though they presumably took expert advice beforehand, apparently conducted their own cases using procedures and, above all, arguments drawn from Justinian's texts. Roman law evidently worked well, not only to organise witnesses' testimony effectively but to sort out its implications and relate them to explicit arguments (Wickham 1997, 2003). This was so even when it was used in the service of traditional norms. Ecclesiastical judges in a late twelfth-century Tuscan case, one of whom was a renowned canon lawyer, combined the new procedures with 'common-sense logic' and 'practical knowledge of the daily norms that governed church procedures' (Wickham 1996). Lawyers trained in the schools were meanwhile working in other Italian, Spanish, and southern French cities, and Roman procedures were widely introduced in Italy during the thirteenth century (Gouron 1993: XVI). The spread of legal expertise did not, however, please everyone. At much the same time as the Pisans – or those of them who could afford to go to law – were taking up Roman methods, complaints about ingenious and cunning arguments in Germany may suggest that law there was subject to more patchy influence from the Italian schools (Reynolds 1994: 446–7).

Both Catalonia and England illustrate the problem of separating the different influences, intellectual and governmental, on legal development. In Catalonia a written compilation of *Usatges* (i.e. customs) was made in the mid-twelfth century, apparently for the use of judges in the courts of the count of Barcelona. Some of its clauses that had been included by the end of the century show knowledge of canon- and Roman-law texts.⁵ A different kind of professionalism, which need not have come from the schools, is suggested by twelve documents recording disputes in the count's court between 1143 and 1162.⁶ They are not charters made for the benefit of the winner of a case as one finds in many areas earlier but seem to be records which were preserved for legal and governmental use in the count's archive. They are all drawn up in the same regular and systematic way, though without betraying any particular Romanist influence. Each one separates out the different points in dispute, summarises the arguments of both sides on each point and then gives a judgement about who had to prove what and how. Final judgements are rare. Although the cases were heard by panels of judges of the traditional and unprofessional sort, the documents suggest that they had access to people with expertise in legal argument and drafting.

In England the traumas of the Norman Conquest, combined with the preservation of laws issued by English kings before it, may partly explain why law there seems to have become the object of thoughtful and critical, if unsystematic, study before the middle of the twelfth century (e.g. Downer 1972; Wormald 1999: 414–15, 465–77). The real beginning of what became known as the English common law came, however, with the introduction under Henry II (1154–89) of standardised written orders (writs) which could be bought from the royal chancery with minimal trouble and expense in order to start various kinds of litigation about rights in land. The innovation seems, like Roman law in Pisa, to have been popular. The new procedures attracted a great deal of business and created a demand for judges and lawyers who understood them. In the twelfth and thirteenth centuries some English lawyers who practised in the royal courts had clearly studied Roman law and found it stimulating. Later practitioners of English common law probably had not. Their training was acquired not in universities, but by attendance in court and study of the Register of Writs, model statements of cases (pleadings, *narrationes*), and reports of arguments (Baker 1990; Brand 1992). With the multiplication of writs and forms of action, the arguments of common lawyers became ever more technical and esoteric. By the end of the Middle Ages the procedures of the royal courts in which the common law was practised had become a maze of learning based on Latin writs and records but argued in a form of French that must have been impenetrable to anyone outside the charmed circle of judges, serjeants at law, and aspiring apprentices. It is not hard to see why important people had by then long retained lawyers to advise them and why poor people had long made lawyers their targets in revolts.

Peculiar as English law became, what its origins suggest, when seen alongside what was happening elsewhere, is that the biggest difference was not between Roman law and English law, or canon law and secular law, but between law interpreted by professionals trained on texts – whether the text of Justinian, Gratian, or writs and Yearbooks – and law based on unwritten custom interpreted by assemblies of non-lawyers. The texts of Roman law were a great stimulus to thought, but so were other texts and, above all, the arguments that clever men, trained together in

shared methods of reasoning, could construct about them. Eike von Repgow's *Sachsenspiegel*, written in the 1220s, suggests that German law became more systematic and expert because people like Eike, who attended courts regularly, were beginning to organise their knowledge and arguments more systematically rather than because they had learned much Roman law. The very fact that Eike had the skills to write his book and that it was then widely copied in Germany says much about what was happening to the law (Reynolds 1994: 446–56). The Italians who recovered and glossed the Roman texts; the English lawyers who wrote *Glanvill* in the later twelfth century and 'Bracton' in the thirteenth; Alfonso X (1252–84) of Castile and his collaborators on the *Siete Partidas*; Philippe de Beaumanoir, who completed his treatise on the customs of the Beauvaisis in 1283; the Swabian and other followers of Eike in Germany; the authors of the *assises* of Jerusalem in the thirteenth century and the *assises* of Romania (Frankish Greece) in the fourteenth – all display the new combination of interest in the law as practised with interest in the intellectual problems it raised, whether they had been to university and studied the texts of Roman law or not. For all of them, hard cases made good legal arguments.

One new text, produced in the early and mid-twelfth century, had a notable influence on the vocabulary of property law and, centuries later, even more influence on the writing of medieval history. This was the book that became known as the *Consuetudines Feudorum* or *Libri Feudorum* (Lehmann 1971). It was compiled by north Italian lawyers, not to record custom, but to tackle the particular problems that were liable to be raised when laymen held royal and ecclesiastical property on different terms from the rest of their property. The compilation became attached to Justinian's texts and was thus the subject of lectures and commentaries in universities in Italy and southern France. Its vocabulary of fiefs and vassals then percolated out into law about the property of nobles and freemen in general, except in England, as well as the restricted kind of property that had been discussed in the original compilation. This did not happen in England because there even elite lawyers did not learn their secular law in universities: the word 'vassal', for instance, seems to have been very rarely used in England before the seventeenth century. How far the *Libri Feudorum* influenced the substance, as well as the vocabulary, of property law is doubtful. The rights of free and noble property seem to have remained undiminished in principle, even if more powerful rulers could sometimes override them. The obligations of property-holders increased, but that seems to have been the result of more systematic and demanding government, and better record-keeping and communications, rather than the application of some kind of 'feudal law' that had originated before the age of professionalism (Reynolds 1994).

Those who acquired some degree of the new expertise covered a wide range of social status, of legal skills, and of professional commitment. Not all made their living from the law. They were variously organised in different countries and jurisdictions but, except for the canon lawyers, were predominantly laymen. Except in England, some of the elite who advised rulers and their richer subjects and practised in and around high courts studied civil (i.e. Roman) or canon law at university, but the great majority of those who now earned their living, or part of it, at law were probably trained by something more like apprenticeship. As courts began to keep more regular – if maddeningly incomplete – records, and some adopted written procedures, more and more clerks must have been employed. Even more, who were

often (outside England) trained as notaries, were employed in writing documents and giving advice about the everyday non-contentious business of law, like transactions concerning land, trade, and debts. Surviving documents, as well as formularies, suggest increasing professionalism. Title deeds were becoming a normal feature of the conveyance of land and were sometimes confirmed and/or registered in a convenient court for extra security. They were drafted with increasing care, including details designed to avoid trouble in future about what was granted and on what terms. Common form was developing, with variations that should help to illustrate the way that professional practice varied under different jurisdictions. Grants of privileges and confirmations of customs to local communities, like the collections of laws made by more or less independent communities for themselves, reflect the same need for written records and display the same increasing length, elaboration, and regularity of form, whether they were called charters or *customals* in England, *Weistümer* in Germany, *fueros* in Spain, *statuti* in Italy, or *coutumiers* in France. All embodied elements of traditional customary law but were themselves products of the new, professional law, fossilizing custom and adapting it to the new world of bureaucratic government. The boundary between the *pays de droit écrit* of southern France and the *pays de droit coutumier* of the north was as much the product of this new law, as a reflection of the earlier survival of provincial Roman law in the south (Krynen 1998). Much of the law of northern Europe, including English common law, the law German historians classify as German rather than Roman, and the ‘customary law’ of northern France, was indeed still based on custom, but it was the custom of lawyers. Perhaps, despite the tradition of contrasting Roman with customary law, there might be something to be said for considering the Roman law of the period as the custom of a different set – or different sets – of lawyers.

There is much in the new law that seems relatively familiar to modern lawyers. But much was different. Those who see the change to it primarily as from unwritten to written law may forget that the publishing and recording of legislation, for instance, like the keeping of court records, seems to have remained patchy. To some extent this may reflect rather the chances of survival than the lack of publicity at the time. By the later thirteenth century French kings, for instance, were not only legislating regularly over a wide range of matters but seem to have communicated at least some of their ordinances to local officials quite effectively (Krynen 1998). Yet even in England, where bureaucracy had developed so early, official records of legislation were kept only from the later thirteenth century, and even then with notable gaps. Lawyers who stressed the need to name defendants exactly and consistently in writs were apparently content to use books of statutes that gave only the rough gist, or worse, of the text of Magna Carta (Reynolds 1995: V, VI).

By the thirteenth century the combination of professional law and more systematic government was prompting attempts to classify jurisdictions and organise them into regular hierarchies. These were only partially successful. Kings could not yet get rid of the parallel hierarchy of church courts which culminated outside their kingdoms at the papal curia. All they could do was circumscribe and define boundaries, which varied in different kingdoms, and then turn a blind eye to what went on in practice, provided that it did not threaten their authority too openly (Helmholz 1983; Donahue in Coing and Nörr 1985). Nor was it easy for the most powerful king to obliterate subordinate secular jurisdictions that had become entrenched in

custom. The best solution was to use lawyers to classify and circumscribe, thus maintaining royal authority to supervise and adjudicate between rival jurisdictions (Reynolds 1999). Appeals to kings were now beginning to go to regular, permanent courts. The records of the Parlement at Paris show it in action as a royal court both of first instance and of appeal from 1254. Cases seem not to have come to it from all over the kingdom but royal *baillis* were increasingly active as judges in many areas. In 1235 Frederick II set up a royal court (*Reichshofgericht*) for Germany which continued to work until it was reorganised as what German historians call the *Reichskammergericht* (royal or imperial chamber court) in 1495, though the parallel development of jurisdictions within the increasingly independent principalities restricted its activity in comparison to that of royal courts elsewhere. The Italian city-states, where academic and professional law was so highly developed, had paradoxically the most complex and least unified patterns of tribunals, corresponding to their complex patterns of government. How far or when hierarchies in different kingdoms became further complicated by separate ‘feudal’ courts dealing only with the affairs of free or noble fiefholders is unclear: the old assumption that feudal law was normally applied in separate courts relies less on records of medieval practice than on later theories of feudalism and the supposed need of separate courts for supposedly separate legal systems (Reynolds 1994).

Where and when experts began to dominate courts, procedures were refined and elaborated, thus inevitably restricting the participation of non-lawyers. Parties to suits needed lawyers to represent or at least advise them; witnesses, no longer part of a general consensus of judgement, became outsiders who, outside England, were examined individually and according to rules (Waelkens 1985; Reynolds 2003); and judgements or sentences were given by judges appointed by rulers to give them. Through all the changes, however, recourse to arbitration, either as an alternative to formal litigation or interposed between episodes in court, mitigated some of the rigours of law and testified to the survival of old ideas of reconciliation and justice (Powell 1983; Kuehn 1991). Negotiations and settlements out of court do not simply reflect distrust of lawyers and need not imply norms that lawyers did not share. Judges and lawyers sometimes encouraged arbitrations and took part in them. If characteristics of the old law, like the liking for consensus, and the preference for the testimony of live witnesses (even if written down) over documentary evidence, perhaps survived best in courts not dominated by the most highly trained and organised professionals, we should nevertheless not assume that professionals lost all the values of their society when they learned new rules and new methods of argument (Beckerman 1995; Smail 1997; Górecki 2000).

From the fourteenth century advancing bureaucracy brought, if not the greater centralisation and system celebrated by traditional accounts of the ‘origin of the modern state’, at least more records for study by late medieval and early modern historians. They have been used most for the history of crime (e.g. Fraher 1989a, b; Gauvard 1993; Zorzi 1994; Smail 1996; Bellamy 1998; Dean 2007), in which the beginnings of comparison between countries have been made (Kaeuper 1988; Soman 1992). Accusations by those who claimed to be victims of crime were generally replaced in England by charges brought collectively by what became known as juries of presentment or grand juries, and were decided, after generally very brisk trials, with no examination of other witnesses, by further (‘petty’) juries (Klerman

2001). Elsewhere accusations came to be made by officials, with the trial conducted by the presiding judge, who examined witnesses according to what is called the inquisitorial system.

One might expect that people of higher status, whose property was now classified as fiefs, were most likely to maintain their right to judgement by their peers. On the other hand, when people of really high status got into trouble they were liable to come before the kind of courts in which lawyers were most dominant and have to confront rulers who might want them convicted. While rulers were likely to need the support of other great men in such cases, and thirteenth-century references to consultation and consent, in judgements as in legislation, still pay at least lip-service to old ideas, what happened in different kingdoms depended a good deal on political circumstances. Magna Carta's promise of trial by peers implies earlier threats against it in England. The charter no doubt helped collective judgement to survive in the rather restricted form of trial by jury, but its survival may have owed as much to the entrenchment in royal courts of various forms of jury in both civil and criminal cases before the legal profession had become well established. In 1233, when the king accused some rebellious barons of treason and they claimed trial by their peers, a royal counsellor maintained that there were no peers in England, as there were in France, and that judgements in England were made by the king's justices (Reynolds 1997a: 55). Later English kings generally managed to deal with alleged traitors by manipulating juries or bypassing them by acts of attainder passed through parliament. The peers of France meanwhile had by the fourteenth century failed in their claim to be tried only by their fellow peers. Collective judgements survived in the French royal court, but they were made by judges who were predominantly, if not yet exclusively, lawyers. Kings or emperors of Germany, on the other hand, had to treat their princes with care. As late as 1434 an electoral prince was summoned to a royal court but the judgement – if the case had come off – would have been made by the other electors (Krieger 1979: 543–6).

Outside England, the relative scarcity of records of local courts outside towns, and of modern work on their practice, makes it difficult to generalise. In the Beauvaisis during the late thirteenth century judgement of peers was reserved to fiefholders, but a surviving element of wider collective judgement is implied by Beaumanoir's suggestion that *baillis* should take counsel with the wise men in their courts when judging others (Reynolds 1994: 305). Perhaps this reflects a similar norm to that laid down in the *Sachsenspiegel*, and apparently followed generally in Germany, to the effect that people could judge those of lower, but not higher, status than themselves. The effect, as with the introduction of juries in England, was to restrict the number of judgement-makers rather than to eliminate collective judgement in principle. During the later Middle Ages most of those who presided over courts of larger lordships or provinces in France and Germany, like those who probably represented parties in an increasing number of cases before them, were expected to be more or less expert and to follow the appropriate *coutumiers* or lawbooks. It was, however, apparently only around 1500 that government officials and lawyers began to oust other judgement-makers in German provincial courts (*Landgerichte*) (Weitzel 1985: 1085).

Collective judgement by non-lawyers probably survived best in towns and villages or other local communities which had been granted the right to try their own lawsuits – except, of course, in those towns where Roman-law procedures were

followed so that judgements were made by single professional judges. Charters were not always a protection against encroaching royal or seigniorial power. Many French towns came under closer royal control during the later Middle Ages. In German towns panels of town councillors (*Schöffen*) continued to make judgements and did not come to be dominated by formally trained lawyers until the sixteenth century. Well before then a habit had grown up among German towns of referring difficult cases to high courts (*Oberhöfe*) in particular towns with recognised authority though with no formal and enforceable jurisdiction. The *Schöffen* in these towns, though not trained or earning their living as lawyers, had legal advice and handbooks to consult and must have gained a good deal of expertise on the job (Diestelkamp and Funk 1994). At least some commercial courts and the less formal tribunals that arbitrated disputes between craftsmen also preserved the old ways. Senior merchants or craftsmen generally presided and judgements were generally given by a panel of colleagues, sometimes without any right of appeal beyond the craft. Some courts even tried to exclude lawyers or restrict their activities. Roman law was, however, beginning to influence some commercial courts in Italy by the fourteenth century and was taking over more of them by the sixteenth century (Thomas 1932: pp. xix–xxiii; Ascheri 1989).

Lower courts with jurisdiction over poorer people in the countryside were probably less frequented by lawyers – except as judges – but the wide dispersal of some level of legal knowledge probably doomed to failure the recorded efforts of lords like the thirteenth-century abbot of St Albans who tried to keep other lawyers out of his courts. Professional procedures certainly filtered down to manorial courts in England, but so did juries, which preserved an element of collective judgement even while restricting it (Maitland 1889: 135–6; Razi and Smith 1996: 26). Elsewhere lawyers presiding over courts in villages without charters or *Weistümer* may well have begun to extend their authority to make or influence judgements.

What used to be called ‘the reception of Roman law’ by northern Europe in the late fifteenth and early sixteenth century falls outside the scope of this essay, but in so far as historians of early modern law now see it less as a new invasion of Roman ideas and practices than as an intensification of professional control over the courts, that seems consistent with the medieval background sketched here (Gorla and Moccia 1981).

CONCLUSION

There can be few changes in law as important as the change from unprofessional and largely oral customary law to professional, learned law. It is important, nevertheless, to notice that the change from one to the other in medieval Europe was slow, patchy, and incomplete (e.g. for Poland: Górecki 2000). It did not, moreover, involve a total change in principles or ideas. The Roman and canon law of the later Middle Ages is sometimes seen by its historians as embodying a new common law (*ius commune*) based on ‘original and highly significant ideas on equity, human justice, and legality’ that underlay and shaped the separate legal systems (*iura propria*) of states and kingdoms (Bellomo 1995: 156; Giordanengo 1999; Grossi 2010). It is true that academic lawyers identified *ius commune* with their sort of law, but others used the expression

for the general laws or customs of kingdoms or lordships, and for something even more vague, like natural justice, understood in a common-sensical and moralistic, rather than a philosophical, theological, or jurisprudential way. The very idea of a *ius commune* testifies to the continuance of ideas about law and custom that lawyers, like everyone else, took for granted. There can be no doubt about the intellectual achievement of twelfth-century and later legal scholars in articulating principles and devising new methods of argument, but the new law looks more original in its methods and reasoning than in its principles. Most of its principles and values seem to have been around for centuries as unarticulated and unreasoned assumptions underlying the old customary law.

Whether the move towards professionalism made the law of Europe more uniform or more varied is debatable. There was much local variation in early medieval customary law, but the boundaries between varieties, so far as they are known, look uncertain, overlapping, and unsystematic. The effect of the new law, combined with the more systematic and bureaucratic government with which it was so closely connected, was to make boundaries firmer and differences clearer. Separate legal systems developed in separate, effectively independent jurisdictions (e.g. Blanshei 1983). Yet, at the same time, contacts between systems multiplied. The conflict between ecclesiastical and secular law and jurisdiction had become clear by the twelfth century, but medieval people seem to have continued to be reluctant to recognise fundamental conflicts of law within Christendom: they preferred to think in terms of conflicts of jurisdictions rather than of principles. There was much mutual influence and copying, for instance in commercial law. Even English common law was not such a completely separate and total system as it later became. Scotland adapted some of the English writs to different rules, procedures, and terminology (MacQueen 1993). The procedures that were called novel disseisin in both France and England had some similar elements and some different (Reynolds 1999).

The whole subject cries out for more comparisons, not only between different jurisdictions and countries in Europe, but also with other continents – preferably without the teleological assumptions of growing rationality and European superiority that Max Weber made academically respectable (Reynolds 2013). At the same time as law became more professional it changed in ways – different ways in different places – that were probably less connected with each other than tends to be assumed when they are lumped together in a supposed progress towards ever greater rationality. The different kinds of change need to be investigated. That professional law became more systematic in its reasoning is clear. Whether this means it became altogether more rational in a wider sense is harder to say. Ordeals were abandoned but torture was developed, while the trials of animals that look so ludicrous to modern eyes seem to have been a feature of learned law as much as, or more than, it was of simple rustic practices (Cohen 1986). But if it is too simple to see medieval law as progressing to rationality, it is also too simple to see it regressing from happy harmony. Without taking refuge under an equally simplistic functionalism, it seems reasonable to conclude that the new system was an integral part of the new government: both surely resulted from much wider social and economic changes. People at the bottom of society came off badly under both systems, but both reflected and partly embodied aspirations to justice.

NOTES

- 1 The chapter on Anglo-Saxon law in Pollock and Maitland is by Pollock but *Township and Borough and Domesday Book and Beyond* show Maitland's work on that period. The *Collected Papers* and his introductions to various Selden Society volumes also contain many insights into later medieval law.
- 2 Some exceptions: Dawson 1960 and 1968; Berman 1983; for other work by American scholars comparing English and French government and law, see Reynolds 1997b at n. 27. The series of Comparative Studies in Continental and Anglo-American Legal History, which started with Coing and Nörr 1985, includes some volumes on the Middle Ages (e.g. vol. 5 (Baker 1989) and vols. 6–7, ed. C. Donahue, on records of church courts).
- 3 Donahue 1986 provides a survey on canon law.
- 4 I refer generally to 'academic lawyers' rather than 'jurists', because 'jurists' can be ambiguous when used to translate Fr. *juristes* or It. *giuristi*, since these words are used of professional as well as academic lawyers.
- 5 Bastardas 1991, cc. 29–33, 123, and pp. 9, 170 (c. 88); Valls Taberner 1984, c. 168, and p. 66.
- 6 *Colección de Documentos* 4: nos. 40, 67, 71, 88, 98, 99, 113, 114, 145, 146, 147; *Liber Feudorum Maior*, no. 131 (cf. vol. 2, pp. 409, 600). I am grateful to Professor Adam Kosto for drawing my attention to these documents.

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CHAPTER THIRTY-THREE

RULERS AND JUSTICE, 1200–1500



Magnus Ryan

One of the most compact and justly famous ideal visions of late-medieval government is owed to Jean, lord of Joinville, who, in his biography of his king, fellow-crusader, and friend, Louis IX, provides a veritable idyll of kingship. It begins in the chateau of Hyères, where, in 1254, Louis IX heard a sermon preached by the Franciscan friar Hugh of Dignes, who drew the lesson from scripture that ‘no realm was ever lost, nor passed to the lordship of another, except by default of right’. Louis took the lesson to heart. Good and swift justice was what he owed his subjects, and delivered to them, in Joinville’s opinion: ‘which is why Our Lord suffered him to hold his kingdom in peace for all his life’. According to Joinville it was Louis’ wont after mass to sit beneath an oak in the Bois de Vincennes, surrounded by his entourage but unencumbered by ushers or stewards, and so to make himself available to all who sought redress for their grievances. In other words, Louis held court, and Joinville describes him assigning the various pleas of his subjects to his officers and courtiers, two of whom Joinville names: Pierre de Fontaines and Geoffroi de Villette, charging them to hear a case (Jean de Joinville 1871: 199; Richard 1983: 264).

A great deal of later medieval kingship is in this story, and a fair portion of what is not can nevertheless be inferred from it. To begin with the obvious: there was an indissoluble link between the exercise of rule and the administration of justice. To forget that elementary connection could result in the loss of a kingdom. The Franciscan who preached before Louis would not have found it hard to illustrate the point. Had not Saul, the first king of the Chosen People, been found wanting and consequently been delivered to the Philistines along with his sons? (1 Samuel 15, 26; 1 Samuel 31). Had not David, his successor, been driven from Jerusalem by his own son Absalom, that same Absalom who, having lamented at the gates of the city that there was none to do justice in the land, had softened the people to his planned revolt by insinuating himself into David’s neglected position as judge over them, innocently asking as he did so, ‘Oh that I were made judge in the land, that every man which hath any suit or cause might come unto me, and I would do him justice!’ (2 Samuel 15, 4). The vignette of his sylvan court is intended to show that Louis IX could never have been found wanting in the same way as David, and to warn the

patroness of Joinville, Jeanne of Navarre, that her husband Philip IV might do better to show himself the king of his people and not merely of his bureaucrats.

Secondly, it should be noted that Louis delegates. The demand is not, therefore, that the king concern himself with every plea of his subjects. It is sufficient that he is accessible and equipped with the right subordinates to allow him to judge through their persons. There is, in this respect, a world of governmental assumptions in the very grammar of Louis' order to Pierre and Geoffroi: 'delivrez *moi* ceste partie'. They hear the case, but they do so for Louis. Immediately before this passage Joinville relates how Louis would gather around him men like Simon de Nesle and Jean, Count of Soissons, his most trusted deputies, and ask if there was any judicial business which could not be expedited without him; the bureaucrats, whose daily job it was to hear pleas and appeals according to established procedures, and in established places, could depend upon and frequently had to reckon with the king's physical presence as they discharged their duties in his name, therefore. This is why, to cite one case from dozens of possible examples, the court rolls of King John of England are occasionally annotated by his officials: 'Speak with the lord king . . .' (Warren 1978: 143).

Who, then, were the right subordinates? By the first decade of the fourteenth century, when Joinville wrote, the administration of justice had long ceased to be the inspirational art of Solomon. It was for rulers to intervene and show clemency; it was for rulers' servants to keep the governance of the land in good order. The broad trend throughout the period is towards the professionalisation of such servants. It is typical that one of the two men to whom Louis might delegate a case beneath his oak, Pierre de Fontaines, wrote a résumé of the customs of Vermandois (where he had been royal *bailli*) for Louis' son Philip III (Pierre de Fontaines 1846). His treatise belongs to a well-defined genre: Philippe de Beaumanoir did the same for the customs of the Beauvaisis, and an anonymous author discussed the customs of Touraine-Anjou and Orléans in the so-called *Établissements de Saint Louis* written 1272–3 (Philippe de Beaumanoir 1970; Viollet 1881–6). Pierre's own contribution would further include a French translation of numerous passages from a text which, in many ways, underlay the professionalisation of government in France, Italy, Germany and the Hispanic kingdoms: the Roman law of Justinian, the so-called *Corpus iuris civilis* (Rigaudière 2003: 39–66). The *Établissements* also use Roman law in some measure (Horn 1973: 279). Even in England, where the precocious Common Law fully deserved its name and frequently limited the application of such scholarly texts in all but the ecclesiastical courts, the author commonly referred to as Bracton still used snippets from the academic tradition to adorn his *Treatise on the Laws and Customs of England* (Brand 1996; Richardson 1965: 92–151). Neither Pierre nor any of the other authors mentioned above had received a university education in Roman law. This is partly why the role of Justinian is supplementary in these texts, rather than essential: citations are made from the Roman law as examples of individual customs, or perhaps the Roman law is being used as a model for dividing the material to be discussed into clear categories and so on. The passages are in any case not quoted at random, and as the selections of practitioners who had risen high in royal and princely service, they should be taken seriously. They are testimony to the power of the great 'taught' laws of Rome outside a straightforwardly 'learned' culture.

The twelfth century had begun the age of the lawyers. The initial steps taken in Bologna were quickly emulated elsewhere in Italy and further afield, such as the Rhone valley. St Bernard of Clairvaux had famously lamented that the papal court was swamped with lawyers, especially experts in Roman law (Brundage 2008: 133–5). By 1200 there were few areas where Roman law and the papal letters which were rapidly transforming and extending canon law were entirely unknown (Brundage 2008: 75–125). The thirteenth century, however, was the age of the lawyer triumphant. The most advanced graduates bore the accolade, which was also a technical term, of ‘doctor of both laws (*utriusque iuris doctor*)’, meaning they had mastered both Justinian and the various collections of canon law, the law of the Church. Romanists, canonists, and doctors in both laws: these were the new force in the thirteenth century, whose influence would outlast the Middle Ages. The signs of their hegemony are to be encountered in a myriad of contexts. By the end of the century, an irate pope would declare to a French embassy, ‘We have been an expert in law for forty years and *we know* that two powers have been ordained of God.’ The speaker, Boniface VIII, went on to ask (rhetorically, but with the French king and his propagandists in mind) who could possibly believe the pope to be so fatuous as not to know this (Rivière 1926: 77; Muldoon 1971)? The choice of words is eloquent testimony to the changes wrought in the manner in which office, responsibility and authority were regarded during the thirteenth century. Boniface is not saying that he, as pope, would hardly be so stupid as to deny the validity of God’s division of powers over the Christian people. Nor is he saying that he, as a theologian, hardly needed instruction on the relationship between *regnum* and *sacerdotium*. Far from it: Boniface is a *lawyer*, and this is why the insinuations of the French are so wide of the mark. That is a very thirteenth-century progression of ideas. It is equally true to the age that when the French attempted to abduct Boniface and make him stand trial for heresy, the leader of the force sent to the papal residence at Anagni, Guillaume de Nogaret, was a Roman lawyer from the university of Montpellier (Gouron 1998). Law had become as much a part of the language and exercise of power as theology had been, and like theology was to prove more than capable of absorbing even that other great thirteenth-century vogue, Aristotelian doctrine.

There had always been law, even if law itself was now changing beyond recognition, but there had never been lawyers, at least not in the professional and monopolistic sense now inseparable from the word in our modern vocabulary (Fried 1974; Padoa-Schioppa 1979; Brand 1992: 3; Bellomo 1993; Brundage 2008: 1–8). The one did much to bring the others into being, for the *Corpus iuris civilis* was vast, complex, and intriguing: its mastery quickly became a career, frequently involving foreign travel to a school with the authority to issue credible qualifications, a lengthy period as a resident-alien there, in many cases debt, and, as it seems, examinations of truly terrifying detail and public exposure (Bellomo 1979). Some measure of this awesome task can be gathered by reflecting on the length of the standard gloss to the Roman law, which was regularly being copied at the same time as the texts themselves by the last third of the thirteenth century. This so-called ‘Ordinary’ or Standard Gloss (*Glossa ordinaria*), composed by the great teacher of law at Bologna, Accursius, amounted to over 96,000 separate annotations. Nobody knew them all, but all were potentially relevant. This, moreover, was just the beginning for many. It might have been true, as was said at the time, that ‘A civilian (i.e. Roman) lawyer is

worth little without the canons . . . ’ but it was beyond doubt, as the same tag ran, that ‘ . . . a canonist without the Roman law is worth nothing whatsoever’.

Justinian was not, therefore, just the familiar of French royal servants by the end of the century. Without ever being the law of any given territory, the Roman law became the frequency of communication between governments across Europe, and the language in which many royal, princely, civic and ecclesiastical advisers couched their opinions. Sources everywhere reveal how inextricably administration, political advice and a knowledge of the law were linked. In 1281 the small commune of Prato, a near-neighbour of the powerful city of Florence and subservient to Florentine policies, was asked to give an oath of fealty to Rudolf of Habsburg, the emperor-elect, in the person of his Vicar General in Italy, Rudolf von Hohenek (Kern 1911: 172). Florentine traditions and interests made it likely that Prato would eventually have to side not with the would-be emperor, but with the traditional rival of the emperors in northern Italy, the pope. Temporising until the Florentines told them what to do, the Council of Prato sent a number of embassies to the legate’s court. The minutes of the council meeting of 7 August record the instructions given to the next set of ambassadors, and in so doing, refer to the outcome of a previous meeting between representatives of Prato and the imperial legate:

[It is decided] that the ambassadors seek to discover from Rudolf, by which formula and in which way he intends and wishes that the commune of Prato should do fealty to him, receiving in the place of and in the name of the most serene lord Rudolf, King of the Romans and Perpetual Augustus, for the people of Prato are extremely puzzled by the words and response to their [previous] ambassadors by the lord Guido de Suzzara, professor of laws, insofar as the said lord Guido stated in public that the commune of Prato was not of the same condition as the other communes of Tuscany, since the commune and land of Prato had been bought, just as one buys a horse or a field. And for this reason, until they explain the foregoing, they should excuse the commune of Prato if it does not invite them [i.e. Rudolf and his court] to the aforesaid territory.

Guido de Suzzara was one of the most famous Italian lawyers of his generation (Martino 1981; Benatti 2013). Here, he is proving his worth, just as two equally august colleagues of his, Iacobus de Bellovisu and Iacobus de Butrigariis, proved their worth when they wrote a legal consultation for the commune of San Gimignano about the homage claimed by the Angevins in 1313 (Ascheri 1985). What Guido meant by saying that Prato could not give an oath because it had been bought is not clear in detail. The general point is uncontroversial, however: for legalistic reasons as obvious as the plain contract of sale, Prato was not mistress of her own destiny. The atmosphere of political interchange which this anecdote conveys is typical of the period. A court meets to welcome an embassy. The ensuing discussion of terms is for the most part a discussion between lawyers. The matters at issue are not always even mentioned in Roman law, for Justinian’s men had never encountered fealty and homage (Ryan 1998). Yet the majority of the learned sources deployed in these arguments, of such importance in diplomacy, are taken from Justinian.

The Church was standard-setting in the professionalisation of political and administrative life. In the second half of the twelfth century, Gratian’s *Concordance*

of *Discordant Canons* (or, familiarly, *Decretum*), a private compilation of ancient authorities interspersed with detailed analytical passages by Gratian himself, had become the foundational text of canon law. The earliest known commentary on the *Decretum* was composed in 1148 and within a couple of decades at the latest of its appearance the text was being glossed, epitomised, and quoted in disputations from Angevin England, through the Paris basin to the Rhineland and Italy. Little is known about Gratian. He was once thought to have been a Camaldolese monk working at Bologna (Cortese 1995: 200; cf. Winroth 2000: 5–8); a more recent hypothesis tentatively identifies him as bishop of Chiusi (Condorelli 2013). His brilliant creation was therefore the work of a private scholar, which contemporaries occasionally even found difficult to characterise according to the broad categories of medieval library catalogues: was it theology or law? No subsequent text of any importance in the teaching of canon law would ever occasion such doubt. By 1234, in addition to the *Decretum*, which would remain the first, basic text in the education of canonists, the Church had an obviously legal text of irrefragable authority in the shape of the *Liber Extra*, containing 1,971 carefully selected and edited passages from papal letters and pre-existing collections of papal letters. Crucially, it had been commissioned and formally promulgated as law by Gregory IX (Pennington 2008). The only other legal text of comparable systematic structure to have been published by the time the *Extra* appeared was that of Frederick II for the kingdom of Sicily, the *Constitutions of Melfi*, subsequently called the *Liber Augustalis*, itself a landmark on the long journey to legislation in the modern sense, but for all that, not nearly as influential as Gregory IX's creation (Wolf 1973; Caravale 1997). The *Extra* was followed in 1298 by Boniface VIII's *Liber Sextus* (or simply the *Sext*). By the middle of the fourteenth century, after the addition of yet more collections of papal letters to the canonists' armoury of texts, the *Corpus iuris canonici* amounted to the largest purely medieval, collected and *edited* body of law then in existence.

The significance of all this editorial work and its diffusion is vast. The canon law could be consulted, minor variations in manuscript traditions notwithstanding, in the same form in every major library and seat of government in Europe. Many popes in the period were canon-lawyers who preferred to be surrounded by men of like mind when they did business. Many thirteenth-century cardinals, therefore, were selected for their legal expertise (Ullmann 1976). Canon law was honoured and dishonoured in different ways across Europe, such that even from one diocese – let alone country – to the next, different themes would be of practical significance. A canonist working at an ecclesiastical court in England in the late fifteenth century would find his professional time taken up by categories of litigation accounting for little if any of the practice of his French counterparts, and vice versa (Helmholz 1990; 1996). As long as we do not attribute to the canon law a territorially homogeneous field of application across Europe, then we may see it for what it actually was: an expression of a kind of universalism less concrete but no less real than architectural, musical and other artistic and devotional movements of the period.

It will take many more years before the significance of the legal revolution in medieval government is fully appreciated. Historians of law are perforce working only slowly towards the larger questions by means of specialist studies. What effects, for example, did codifications such as the *Liber Extra* and the *Liber Augustalis* have which are not discernible in countries with vigorous, professional,

non-codified legal cultures, pre-eminently England (Brand 1997)? This would be most worth answering in relation to Castile–León, where an imposing ‘legislative’ effort was made by Alfonso the Wise in the shape of the *Libro del Fuero de las Leyes* and its later revisions, culminating in the collection known as the *Siete Partidas* (Wolf 1973: 671–4). It is known that it took well over half a century for the collection to win much authority among the political public. How did this eventually manifest itself, and with what results? More generally, what were the results when rulers took over the function of legislation? After all, and as we have seen, the greatest descriptions of thirteenth-century legal practice such as Beaumanoir’s *Coutumes* and the *Établissements* are private works; Gratian was a scholar, not a legislator, and it may have taken until 1226 before a papally commissioned collection of decretals appeared (Pennington 2008: 309–10, 317). The *Établissements* were provided with a forged prologue which masqueraded as a piece of royal legislation, it is true, but even in the later Middle Ages, the actual bulk of French royal *ordonnances*, the real legislation, is hardly vast (Giordanengo 1988; Giordanengo 1997). The creation of law, as a more specific activity than the establishment of justice between parties, seems to have crystallised only slowly as a definitively ruling function and is one of the attributes of governance which mark off the later middle ages from the preceding period (Gagnér 1960; Rigaudière 2003: 44). The late-medieval papacy was a prolific legislative organ as the bulky collections of decretals and the canons of the great thirteenth-century councils demonstrate, yet the insouciance of the popes in the matter of collation, textual control and re-issue of their own decretals in large collections, an indifference which we have seen may have lasted until as late as the 1220s, should not be forgotten (Conte and Ryan 2014). Later medieval Europe knew legislation in many guises, but it also knew the lawyer, a figure to whom we must now return. The force of law, its reach into society and the ways it was perceived were indissociable from the professional practitioner. Roman and canon law were, in a certain sense, but texts: what made them into the juggernauts they became was specialist scholarship and training. The real law was always much more than the contents of the *Corpus iuris civilis*, the *Decretum* and the decretal collections. It included the standard glosses to those collections, to name but the most prominent suppletive source. Not, of course, that the gloss itself was ‘law’. Even the lawyers who maintained that it was heresy to deviate from the teachings of Accursius – and there were such people – would still have balked at calling his gloss *ius*, let alone *lex*. It is more the case that the law was mediated through the gloss and other forms of exegesis. But this summary, too, leaves something to be desired. It omits that which is perhaps most characteristic of medieval Roman-canon law, for in practice the law included that most elusive yet most influential of all forces in the alignment of powers in the Church, or in the framing of a decision in a secular court of, say, an Italian commune: the received opinion of the lawyers or *communis opinio*. Not even the most technically sophisticated, apparently modern ‘codification’ such as the *Liber Extra* was sufficient to itself; what was law, and what was not, was therefore by no means such a simple-minded and naïve question as it sounds today. There was little point, as lawyers themselves would occasionally point out, in having laws unless there were also people on the spot to interpret and apply them (Linehan 1971: 36 n.2). This is obvious. It is less obvious, but crucial nevertheless, that medieval lawyers

created by habitual if unofficial means a great deal more of medieval law than their professional successors do in many modern states.

In the way later medieval polities functioned, the formation of a professional, administrative elite might therefore have been of equal weight to the formulation and dissemination of political doctrines. Did the deployment of these sophisticated, often highly charged written sources of law (actually, somebody else's law: either Justinian's or the pope's) by university-trained bureaucrats itself instil new habits of mind in rulers? The question is unanswerable in this form, but it can be put in other ways, which allow us at least to introduce one of the more general questions animating modern research: did the way royal, princely, papal and civic advisers worked influence the way in which assessments of legality and illegality were made at the policy-making level? Did the method, as much as the substantive learning, of these people add a significant third element to what we are accustomed to treat as a series of dialogues when we try to imagine late medieval political disputes? When, for example, Henry VII's efforts to condemn Robert of Naples for treason ran foul of the papal agenda in Piedmont and Naples, the precise nature of Robert's subjection to the emperor was discussed, as it had to be, in terms of homage and fealty (Ryan 1998; Pennington 1993: 165–90). Yet the manner in which these abstract quantities of apparently impeccable medieval pedigree were weighted in the various memoranda and public declarations surviving from the three courts involved is entirely conditioned by Roman and canon law, in the form in which the respective coteries of advisers had learnt them at the universities (Schwalm 1909–11: 1312). This is in itself no different from the kind of debate between the representatives of Prato and Rudolf von Hohenneck. The question it raises, however, is subtly different. Can we be sure that Henry and Robert themselves, never mind the pope, were not thinking in terms of – the expression is ugly but expressive – *ius commune* homage and fealty when they made other decisions? In other words, the documents which tell us so much about what lawyers were capable of doing for their lords and masters when they were pitched against each other in pen-wars such as this might also imply that there was a continuity, not a disjuncture, between the way in which the advisers saw the world and the way in which their masters did. It might be seriously misconceived to imagine the lawyers, with their rebarbative and obscure authorities, translating the very stuff of medieval government, obedience and subjection (such as homage and fealty) into their own language for the purposes of explicitly legal debate. We might be better placed to understand other situations if we give at least some of these legal outpourings the benefit of the doubt, for it is possible that they are a lot closer to the mentality of the main protagonists than some historians are accustomed to think.

In the case at hand, for example, we should not dismiss lightly the suspiciously academic fabric of the arguments put forward on behalf of Henry VII. Emperors had, after all, been used to formulating their political objectives and prerogatives in the language of Roman law since the mid-twelfth century at least, when Frederick I (Barbarossa) redefined his imperial powers in the old Lombard kingdom with the help of the four most famous Bolognese glossators of their generation (Dilcher 2007; Quagliioni 2007). This does not mean that Henry VII was *au fait* with the latest scholarship on the doctrine of unjust enrichment, or on the vexed relationship between right, dominion, and legal remedy (both are close contenders if we seek the medieval

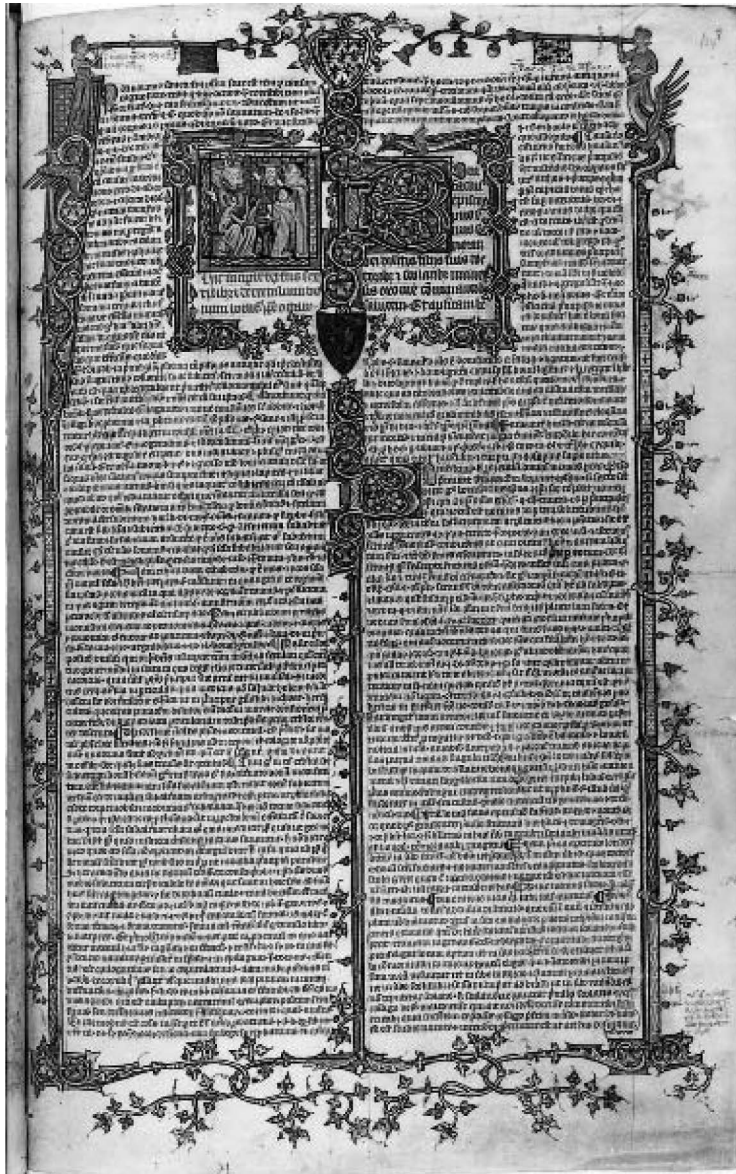


Figure 33.1 The opening of the Sext, the collection of canon law promulgated by Boniface VIII in 1298. The rectangle of text is enclosed by the gloss of Johannes Monachus which was soon adopted as its standard commentary. The disproportion of commentary to text provides a visual metaphor for the predominance of lawyers in the Church. In due course the circumambient gloss would overwhelm the text altogether. Note that, in marked contrast to the dominant figure he strikes in Figures 35.1 and 35.2, in the miniature here the seated pope is almost dwarfed by the attendant cardinals. Cambridge, St John's College, MS. 4, fo. 124r (early fourteenth century). Source: By permission of the Master, Fellows and Scholars of St John's College, Cambridge.

lawyers' version of the theological dispute about angels dancing on pin-heads). It does mean that the existence of monopolistic cliques, professional elites such as the lawyers formed wherever they were active, is not so much evidence of a gulf between their outlook and that of their clients, as a gulf between the respective levels of *expertise*. It took a lawyer to advance a well-founded case for high treason, Roman law's *crimen maiestatis*. It did not take a lawyer to sense it, give it a Roman name, and follow the outlines of any ensuing argument. Henry spoke a variety of languages to different degrees of fluency, each employed for specific purposes, evoked by specific circumstances. Who is to say whether he would first have conceived of Robert's treason as *trahison*, *lèse majesté* (as a noble of European standing brought up in the Francophone ethic of chivalry), or as the Latin *crimen laesae maiestatis*? (There is no German equivalent dateable to the early fourteenth century which is not an obvious translation of the Latin of Justinian.) It is precisely because so much of the evidence of professional legal activity is at the same time evidence of political consultation, evidence which opens up for us the very intimacies of medieval government, that speculations such as these are worth prosecuting. But whatever the case should turn out to be concerning secular rulers, there is no doubt whatsoever that for one government at least, the language of the university-mediated law was the language of reality: the Papacy.

Consider the following case, which exemplifies many of these themes. Sometime between January and August, 1328 Pope John XXII asked his circle of legal advisers at the *curia* in Avignon for an opinion on the legality of a measure he was considering to combat the influence of Lewis the Bavarian, King of the Romans and would-be emperor. Lewis had succeeded in having an antipope elected in Rome, Peter of Corbara who took the name Nicholas V. Although the story of Corbara's 'pontificate' is short and depressing, the authorities in Avignon had to take the matter seriously (Partner 1972: 318–20; Mollat 1963: 208–18). Could, wondered the pope, sanctions be imposed on the city of Rome to prevent the pilgrim trade enriching the enemies of the Church? We do not know how many consultations were written on the point. One has survived from the pen of one of the most celebrated practising canonists of the fourteenth century, Oldradus de Ponte (Oldradus de Ponte 1472: *Consilia* no. 62). The discussion is technical, as indeed it had to be. The debate is conducted almost entirely according to the *Decretum* of Gratian, the *Liber Extra*, and the *Sext*. Roman law is also cited in plenty. As the discussion proceeds from what is allowed to what is fitting, and from what is fitting to what is the best course (*Quod licet, quod decet, quod expedit* – all in unacknowledged emulation of Innocent III's *modus operandi* in the decretal *Magnae devotionis*, *Extra* 3.24.7), an exquisitely nuanced, balanced and judicious analysis builds up of what papal power actually is. First, the pope has a plenitude of power, a *plenitudo potestatis*: this is beyond doubt. It means he is able to revoke judicial sentences, statutes and privileges (the last category is the relevant one in this case, for Rome is a privileged city *par excellence*, and it is precisely these privileges which, or so it is feared, will make the antipope rich). Secondly, Lewis the Bavarian and Peter of Corbara are enemies of the Church, heretics and fomenters of schism. This means there is a just cause for the exercise of the plenitude of power. On the other hand, Rome is more than just a privileged city. Her privileges stem from Christ directly, not from the pope. Canon law does not suffer an inferior to revoke the privileges conferred by his superior,

therefore the pope may not tamper with Rome's special status. As for what is fitting, Oldradus has this to say:

Most Holy Father, it seems that for as long as there are other remedies which relate directly to those damned people, the usurper and the heretic, then that which also appears to detract from the honour of the blessed apostles should be avoided. It is the business of a successor to augment the honour of his predecessors. This is why we are enjoined to complete the works initiated by a predecessor . . . And if injury is done to the sepulchre of a testator or his remains, then it is taken as an injury to his heir or successor . . . and since you are the successor of the Apostles you should augment their honour and not diminish it.

The interest of all this derives not simply from the point being made, but from the manner in which it is made. The holder of a plenitude of power, the Vicar of Christ, whose power (according to well-received, if in some quarters still-disputed papal theory) is without weight, number or measure but which itself gives weight, number and measure to all other jurisdictions, is being told that he cannot and should not do something (Giles of Rome 1929: 206–9). This, dramatic as it is, yet gives no flavour of what it was like for consultant jurists such as Oldradus to live, as it were, with a plenitude of power day by day. This is why the passage above is quoted at length. The sections omitted are actually the probative passages, references to normative sources. The first is from Roman law, more specifically *Code* 8.11.23. It prohibits incoming public officials from devoting resources to public works until those projects begun under their predecessor have been completed. The second is from canon law, *Liber Extra* 1.3.39, which establishes that when one pope has installed a cleric as a canon of a particular church by monitory letters, and the next pope sends executive letters in favour of the same person, then the act is ascribed to the first pope. Hardly the stuff of constitutional debate, one would have thought, and of course these texts were not written as such. As the very context in which Oldradus uses them shows, however, virtually every passage from the books of law could move any lawyer worth the name to a pregnant political analogy. Argument concerning central issues of politics, the government of the Church, the correct use of papal prerogative, in short, justice and injustice, frequently took this at first sight obscure, capricious form. Medieval debate about the power of popes, kings and emperors was not simply theory, as our very concrete example shows. Such debates were, on the contrary, part of the job of advising a ruler, and it was a decisively important part of the ruler's job to consider the advice tendered. Moreover, the options were not circumscribed by the clean alternatives apparently implied by vocabulary such as *potestas absoluta* (absolute power), *potestas ordinata* (ordained power) and the like. Between the polar opposites fell the shadow of *ius commune* (Pennington 1993: 38–75).

That still left some difficult matters of interpretation to the practical good sense of rulers and their lawyers alike. The way in which Oldradus broke up his discussion into the Innocentian categories of the licit, the proper and the expedient is testimony to this. However, there were some difficulties which defied such robust treatment. We note that Oldradus had no difficulty in identifying Lewis as an usurper. That was inevitable from a papal perspective. The question of legitimacy was not so easily

decided in other situations, and it is to the vexed question of what, or rather *who*, constituted a just ruler that we must now turn.

Not everybody was in the enviable position of Joinville, whose king was defined as the rightful ruler by mechanisms of succession already employed for over two and a half centuries (and enhanced by the seemingly unfailing ability of the Capetians to sire sons), and the chrism of St Denis with which he was anointed at his coronation. A number of Italian cities between the Alps and the often fluid northern boundary of the Kingdom of Sicily had developed innovative means of governing themselves in the eleventh and twelfth centuries. In defiance of the emperors and occasionally of the popes, they elected their own officials, known as consuls on the Roman republican model, redacted their own statutes, laid claim to their own hinterlands and in all important respects ran themselves (Wickham 2015). By the mid-fourteenth century the surviving examples of these notoriously unstable constitutions were rare (Jones 1997: 333–650). At their best, the so-called communes (the word is inaccurately used to denote a city) were never more than oligarchies, whose power-wielding elites were mostly forced to acknowledge the claims of the richer *popolo* to rule alongside them. The result was less often the broadening of the mandate of the ruling council than the creation of a second government, with powers to legislate for the section of the populace it represented. Cities with two or more statute books were no oddity in thirteenth- and fourteenth-century northern Italy (Ryan 2015: 438–43). This bewildering and violent situation prompted energetic literary activity, with the result that Italy developed its own brand within the genre known as political advice books, less accurately as ‘Mirrors of princes literature’ (Berges 1938).

The surviving examples repay individual analysis, but a certain formalism is unmistakable in this tradition. The most original were written as occasional pieces by a lawyer, indeed, by *the* lawyer of the mid-fourteenth century, Bartolus of Sassoferrato (Quagliani 1983). Bartolus’ treatises *On Guelphs and Ghibellines*, *On the Governance of a City*, and *On Tyrants* are so distinctive because they represent an attempt to select for the benefit of law-students all that is important in the political advice literature composed most frequently, and most famously, by theologians. With adaptations made for an Italian context to the overwhelmingly monarchic tendencies of his main sources (Giles of Rome’s *De regimine principum*, and Thomas Aquinas’ work of the same name along with its continuation by Ptolemy of Lucca), Bartolus sets about analysing the strengths and weaknesses of Italian civic government, a matter which he believes (adamantly) is best left in the hands of a broadly based council, elected and replaced periodically. Bartolus combines generalisation with detail in a manner unparalleled by any other contemporary writer of political advice. For example, theologians appear to have seen nothing problematic in the notion of the common or public good, itself the main principle of organisation employed by Aristotle in his *Politics*, one of the most important authorities for such writers. Who, however, composed the collectivity in or of an Italian city, the collectivity whose good was the common one, as opposed to cliques and factions whose ‘good’ was only a relative one, usually inimical to the interests of the whole? What happened if a tyrant claimed to represent the whole community (Ryan 2000)? There were theories at hand in the papal apologetic which, with only a little twisting, could be pressed into the service of such men in an arrant subversion of accepted values.

These questions were especially topical in the Italian cities in which Bartolus spent his life. While there is no easy answer offered in any of his writings, we might yet say that their strength lies in their weakness. Giles of Rome had listed many marks of tyranny (*De regimine principum* 3.2.10). Bartolus gives the civilian commentary on each (Quaglioni 1983: 197–202). The only ones he accepts without reservation are the encouragement of civil discord in order to prevent the formation of a common front against the tyrant, the impoverishment of the population, and, finally, the adherence to one party in disregard of all the interests of the other party or parties (although he does not insist on this final criterion). The casualties in Giles' list are important and express much about the differences in political reality across Europe, for Giles wrote for a king of France whereas Bartolus addressed lawyers in Perugia. The expulsion of leading citizens is not always a tyrannical act; how else should a legitimate government protect itself against insurrection by the over-mighty? The use of informers is likewise a weapon for the good as well as the bad, as is the prohibition of assemblies – even apparently legal ones, which can serve as camouflage for coups. Everything in Bartolus' vision depends upon the existence of a just cause, which excuses what otherwise appear to be heavy-handed disciplinary measures. What, however, defined the justice of the cause in a city whose claim to exist as an autonomous entity derived from an act of usurpation against the emperor? No Italian theorist ever solved this conundrum, which lost none of its ideological urgency despite the submission of the free cities (barring Florence) to the rule of one master or *signore* by the end of the fifteenth century. The comparison between Bartolus and Giles also brings out the common assumptions between the lawyers and the theologians, who formed the two broadest groups of intellectuals, opinion-makers and administrators, often portrayed as being at loggerheads with each other (Krynen 1993: 110–24). What emerges in all clarity from Bartolus' treatises, barely altered in the process of transplantation from a theological to a juristic environment, is the odium in which tyrants were held. A ruler without justice was an abomination for all late-medieval authors, as he had been ever since Gregory the Great put the responsibilities of the ruler in the same category as those of the priest. Both had a pastoral care, both exercised functions which could only be understood within a Christian community (Arquillière 1934: 72–104; Markus 1988). Later-medieval thinkers took the Church not merely as a community of faith, but in some measure as a community embodying another kind of virtue as well: justice. It was, after all, a widespread and time-honoured misinterpretation that the great St Augustine had meant the visible, present-day church-militant when he declared in *The City of God* 'Justice is found where God, the one supreme God, rules an obedient City according to his grace' (Augustine of Hippo 1972: 890; Giles of Rome 1929: 70–96). This made it extremely difficult to conceive of any large section of the church militant, say a kingdom or principality, being ruled unjustly except as a deplorable deviation from the correct standard of Christian living, to be endured so long as it could not be put right. The linkage between tyranny and heresy was a natural one for many, given these theological postulates. Nonetheless, sentences of excommunication and eventual condemnation of the Italian opponents of the Papacy such as Ezzelino da Romano, lord of Verona in 1254, or the Visconti of Milan in the 1320s smacked of opportunism, and did much to discredit the orthodoxy they ostensibly defended. Oldradus de Ponte, in his *consilium* we have already encountered, advised John

XXII that interdicts, for example, were less effective than armies in flushing out usurpers and heretics.

The most subtle effect of legal education was to ensure that the evil that men did lived after them. Lawyers then as now relied to a great extent upon concrete examples in their teaching. Moreover, since *communis opinio* was so important in legal argument teachers often had to orientate their students in scholarly debates already decades old. In doing this, they unwittingly contributed to the collective political conscience. It is as if their frequent returns to the scene of the crime kept that crime in the public eye long after the brute facts of reality had made all amends impossible. This was the case with the kingdom of Sicily, which in 1309 descended to Robert the Wise, third son of Charles II of Anjou, when the successor should by rights have been Charles II's young grandson Carobert, the son of Charles II's dead eldest son, Charles Martel. The claims of primogeniture favoured Carobert, but the Papacy needed a vigorous protector in southern Italy, not a minor, who by virtue of his tender years might turn out a political weakling. Boniface VIII and Charles II had long ago decided the matter of the succession, therefore, in favour of Robert. At the end of the fourteenth century, Baldus de Ubaldis, teaching law in Perugia, still felt it necessary to go over the entire argument again (Baldus de Ubaldis 1577: fo. 22ra). At least five of the most famous lawyers of the century had discussed the matter before him. It was, after all, not without educational significance to know who succeeded under such circumstances (whether the kingdom was a fief or not), and the conflicting claims of a grandson and his uncle constituted one of the oldest questions in the book. Lawyers had been alert to the issue ever since the collision of inheritance claims between Arthur of Brittany and King John of England. The subsequent case of Alfonso X of Castile and his progeny left traces in successive versions of Alfonso's legislation in the 1270s. Baldus adds one more recent example to the debate: in England, a grandson (Richard II) had just been crowned instead of his uncle. He concludes that Boniface may not have decided the issue according to justice, that the pope had, in fact, been more partial than fair in preferring Robert. A number of contemporary chroniclers relate that Robert, in advanced age, was afflicted by his conscience for taking the kingdom against the claim of his nephew Carobert. From Baldus's perspective, the dynastic turmoil which convulsed the south shortly after Robert's death in 1343 must have seemed like the intervention of Nemesis. The line of Carobert had come back to claim its own, paying in blood for its persistence, it is true, but exacting a high price in return. Hugh of Dignes, the Franciscan friar with whom we began, would have found nothing surprising in the afflictions of the Regno. The persistent attention of the lawyers ensured, as no other mechanism could, that, even when the pope himself had been responsible for the problem, posterity would know how to evaluate it when rulers, confronted with the legal, the fitting and the expedient, made the elementary moral error of assuming they had any real choice.

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CHAPTER THIRTY-FOUR

THE KING'S COUNSELLORS'
TWO FACES

A Portuguese perspective



Maria João Violante Branco

How were medieval popes supposed to deal with renegade kings? Indeed what authority did they have to deal with them at all? Such questions had been latent in Christian Europe ever since 751, the year in which Pope Zacharias had authorised the deposition of the last Merovingian king of the Franks, thereby ushering in their first Carolingian ruler (Nelson 1988: 213–16). He had done so because the disposed-of, and therefore deposed, King Childeric was incompetent. That at least was how Pope Gregory VII recalled the event rather more than three centuries later ('quia non erat utilis': Wallace-Hadrill 1962: 244–5). And during the course of the following century, and especially after Gregory VII's celebrated confrontation with Henry IV of Germany, the questions were addressed ever more closely (Ullmann 1955). The debate on the matter sharpened. And above all it sharpened in the hands of lawyers. Lawyers – both Roman and canon lawyers, and above all that significant minority of twelfth-century lawyers whose competence was in both disciplines – identified the issue as *the* issue. And they were right to do so, because it was the issue that went to the heart of the question of the nature of authority in the Western Church.

It was in the last quarter of that century, the century in which the Western Church, and therefore Western society, fell into the lawyers' clutches, that the kingdom of Portugal was granted its birth certificate by Pope Alexander III. That was in 1179. In 1245 another pope, Innocent IV, declared the great-grandson of Portugal's first king 'inutilis' too (Peters 1970; Fernandes 2006), incompetent like the last of the Merovingians, and therefore (again) effectively deposed him. It had taken the direct line of the kings of Portugal less than seventy years to travel full circle, from papal approval to papal rejection. By comparison with the successors of the first of the Carolingians, for whom the process took all of three hundred years, this was quick.

The purpose of this chapter is to observe this process as it developed, and in particular to scrutinise the activities of those individuals who were involved on one or other side of the barricades, and especially of those who were on both sides, as those barricades were raised.

* * *

On 16 June 1222, Pope Honorius III further prevailed upon the king of Portugal in an effort to halt his persecution of Portugal's churchmen. If Afonso II, who was already excommunicated, remained obdurate then the pontiff would absolve his subjects from their oaths of obedience and encourage other kings and princes to occupy his kingdom. Since the spiritual sanctions he had previously invoked had had no effect, the pope was now threatening other than spiritual measures in what were for him the most robust of terms (Costa 1963: 106–7; Linehan 2013: I, 176).

But how was the pope's mandate to be enforced? Would the judges delegate charged with its enforcement prove equally robust? They were instructed 'not to fear the face of man more than the face of God' (Costa 1963: 108; Linehan 2013: I, 176–7) But on reaching the king's presence would they remember this? Would they remain resolute? Judging by the example of recent peninsular history they might well not, for they would certainly come under severe pressure – pressure more effective because more immediate than the papal threats of deprivation which hung over them should they fail in their mission. Spanish kings had long been accustomed to intervene in the affairs of their churches and of their churchmen, the liberties they took with 'ecclesiastical liberties' ranging from abuse of the rights of patronage to parish churches to the intrusion of their own nominees into episcopal sees and the expoliation, even the assassination, of members of the clerical order (Fletcher 1978; Linehan 1971; Linehan 1993). It was not to be wondered at therefore if the papal delegates in 1222 hesitated regarding which 'face' they were less prepared to shun.

Nor would the pontiff himself have been greatly surprised at their hesitation. For, as he knew full well, throughout the West ecclesiastical sanctions were liable to be disregarded by laymen and clerics alike. Rather than risking the indignity of having his spiritual authority thus flouted, in the previous century Archbishop Thomas Becket had reportedly opted for monetary penalties instead (Cheney 1956: 15). But that had been in England, and had merely involved the king's subjects. What was now to be done in Portugal where it was the king himself who was proving contumacious?

It was then as now. Then as now, it was not the monarch who was first identified for censure but rather the thirteenth-century men who populated the King's court as his close councilors. Thus in 1222, it was not the excommunicated king whom the executors targeted but rather those 'clerics, knights and others' who had uncanonically persisted in associating with him – and three individuals in particular, all royal councillors, and named as such: Master Vicente dean of Lisbon, Master Julião dean of Coimbra, and Master Paio cantor of Oporto. The pope was well informed – and not surprisingly so, since the primate of the Portuguese Church, the archbishop of Braga, Estêvão Soares da Silva, was currently in exile at the papal court, having been hounded out of Portugal on account of a series of regalist measures for the implementation of which the trio of senior churchmen had been chiefly responsible (Mattoso 1993: 106–17).

This particular example, one among many such, serves to demonstrate the force of the conflicting pressures to which men such as Master Vicente found themselves subjected in their concurrent service to both Church and State. It was a force which constituted a powerful and permanent occupational hazard for those ecclesiastics whose *cursus honorum* involved many years of legal study and practice, with at the end of it the possibility of episcopal office – but only if the king so

decreed. Assiduous in their attendance on the king though they were, however, churchmen they remained none the less, maintaining close connections with the principal cathedral churches of the kingdom, and in some cases (in that of Master Vicente, for example) establishing themselves as distinguished practitioners and theoreticians of both Roman and canon law. In view of this complex of activities and loyalties – to king and kingdom, and to the Portuguese as well as the Roman Church – the choice with which Pope Honorius's directive 'not to fear the face of man more than the face of God' had confronted them must appear as simplistic as it did stark.

In order to understand the quandary in which Master Vicente and his colleagues found themselves in the late 1220s, however, it is necessary to investigate their ecclesiastical antecedents. We must go back two or three ecclesiastical generations to the cradle from which their predecessors had emerged in the late 1130s, at the very beginnings of the kingdom of Portugal.

KING, KINGDOM AND LEGITIMACY: THE EARLIEST DIPLOMATIC CAMPAIGNS AND THE ROLE OF ARCHBISHOP JOÃO PECULIAR

Until 1128 Portugal was a county, formally dependent on the kingdom of León. But in that year Count Afonso Henriques rebelled against his widowed mother, Dona Teresa, and, with the support of the territorial nobility, assumed control of the region. Thus far the story rather closely resembled that of any number of peripheral counties of the Carolingian empire in the late ninth century. In the 1120s, however, the independent county of Portugal did not remain a county. In 1139, soon after a successful encounter with the Moors, Afonso Henriques took to styling himself king (Branco 1993: 604–16; Branco 2009a: 144–6; Mattoso 1993: 45–64; Buescu 1991). Then, in 1143, after his cousin the 'Emperor' Alfonso VII of León had agreed to acquiesce in his kingship in return for an oath of vassalage, he proceeded to offer himself to Pope Innocent II as a vassal of the Roman Church in return for papal recognition of his kingdom (Erdmann 1935: 44–5; Dinis 1960: 1). Thus, while the leaders of Europe's established royal dynasties were preparing to counter the Papacy's burgeoning imperialist aspirations (Kantorowicz 1965b), the *arriviste* ruler of Portugal set about exploiting those aspirations and enlisting them in the service of his own ambition to liberate himself from the ties of vassalage to others. And what better godfather could Afonso Henriques have than the earthly representative of the God of victories whose approval the details of his recent career so clearly proclaimed? *Invictus, triumphator et strenuus* were the martial and irresistible epithets regularly applied by his chancery clerks to the ruler who, as they never failed to record, ruled, moreover 'by the grace of God' (Antunes 1995: 11–17; Azevedo 1938; Mattoso 1995: 80–5; Branco 2009a: 135–43; Vitória 2012: 15–22).

The arguments deployed in *Claves regni*, Afonso Henriques' letter to Innocent II, were both carefully judged and revealed a shrewd awareness of recent discussions on the theme of the relationship of papal authority to royal power (Mochi Onory 1951: 11–20). They had been prepared by people who knew what they were doing and were fully informed of the advantages which had accrued to such recently established vassals of the Roman Church as Navarre, Aragon and Sicily (Kehr 1945,

1946; Feige 1991: 95; Mochi Onory 1951: 14–16). Of those responsible the most prominent, and in all likelihood the principal strategist in the lengthy campaign to secure legitimisation of the king and the kingdom, was João Peculiar, archbishop of Braga from 1138 to 1175 and the king's intimate advisor throughout those years.

When Afonso Henriques declared himself king, as well as being on the front line of the kingdom's frontier with Islam, Coimbra was home to a lively multicultural society which had emerged more or less unscathed from the period of Moorish domination (Mattoso *et al.* 1989: 139–41; Pradalié 1974). This was a world radically different from the seignorial north, where the Islamic threat was by now a distant memory and power was predominantly in the hands of an endogamous old nobility whose economic strength and social prestige found expression in the extensive patronage which its members were able to exercise over the religious establishments and parish churches of the region. It was with the assistance of this nobility that Afonso Henriques had prevailed over his rivals during the 1120s, and it was in order



Figure 34.1 King and Bishop brandish sword and crozier respectively. While one admonishes, the other blesses. Miniature from a thirteenth-century manuscript of the *Fuero Juzgo* (the law-code in force throughout the Spanish Peninsula prior to the 'Arab invasion' and in much of it for centuries thereafter). Source: Lisbon, Biblioteca Nacional, MS. IL. III, fo. 21v. Reproduced by permission.

to extricate himself from their suffocating tutelage that thereafter he abandoned the north and made the city of Coimbra his centre (Mattoso 1993: 65).

João Peculiar was probably born in the vicinity of Coimbra (Costa 1984), a city which during the 1130s was fast emerging as the nascent kingdom's intellectual capital, with at its centre the recently founded monastery of Santa Cruz, a community of canons regular many of whose earliest recruits were drawn from the local cathedral chapter as part of a process in which João Peculiar, as its sometime school-master, played an important part (Nascimento 1997; Nascimento 1998: 19–31; Gomes 2007: 90–95). In the earliest productions of the Santa Cruz *scriptorium*, which recount the story of the convent's founder and first prior, Teotónio, and date from the mid-1150s to the early 1160s, Afonso Henriques regularly appears in the narrative, and, both before and after his assumption of the royal title, always in the guise in which he was presented to the pope in these years, as a brave and pious warrior king favoured by God in all his military endeavours. The few other chronicles of those and the next ten years – the narratives of the conquests of Lisbon and Santarém and of the foundation of the monastery of St Vincent of Lisbon, all of them composed either at Santa Cruz or at one of the houses affiliated to it – tell the same story (Herculano and Leal 1856: 93–5; David and Phillips 2001: 52–185; Nascimento 1998: 54–222; Nascimento and Branco 2001: 54–147, 178–97), exactly as did the clerks of the royal chancery in their diplomatic description of their master. Since the royal chancery was housed in Santa Cruz at this time, and since moreover the king's chancellors were as often as not canons regular themselves, it is reasonable to conclude that the contribution to the propagation of royal propaganda of the community in which Portugal's first two kings would in due course establish a pantheon for themselves and their descendants was decisive (Mattoso 1985).

In the presentation of the filtered image of the king projected by the *scriptorium* of Santa Cruz and the royal chancery alike, as well as in the overt objective that both clearly shared of legitimising his rule, the influence of João Peculiar at Coimbra was ubiquitous (Branco 2009a: 145–9), and it remained effective there even after his appointment as bishop of Oporto in 1136 and archbishop of Braga in the following year. His activity between then and his death in 1175 was by no means confined to the field of public relations and royal propaganda, however. For as well as reconciling his responsibilities as both royal counsellor and ecclesiastical primate, João Peculiar was also a man of action – as he needed to be. In the course of a public career during which the kingdom's southern frontier advanced from the river Mondego almost to the Algarve, he had not only Muslims to deal with but also his royal master's Christian neighbours, the rulers of León and Castile whose own peninsular agenda posed no fewer problems for the kingdom of Portugal than did the machinations of the infidel.

As archbishop, João Peculiar was *ex professo* committed to the ongoing task of reconquest. Thus whereas on the occasion of the siege of Lisbon in 1147 Bishop Pedro of Oporto used intellectual argument to persuade the Jerusalem-bound crusaders to stay and fight there, the archbishop preferred to station himself in the front line and act the warrior. And in the front line he was regularly to be found in later military engagements, always at the side of the king. He consecrated the bishops of restored sees, as the king directed, and regardless of the rights of neighbouring metropolitans. He continued to divert both rank-and-file crusaders and members of

the military orders from their Holy Land objective by means of grants of extensive benefices. Doubtless he hoped thereby to ingratiate himself with Rome. Certainly the desire to please the pope mattered as much to him as the need to attract skilled warriors and settlers to the undermanned frontier.

Central to the processes of peninsular politics during Archbishop João's lifetime, and a complicating factor in all his dealings with the Papacy, was the issue of ecclesiastical primacy. Questions regarding the relationship of secular divisions to their ecclesiastical counterpart, and in particular Braga's jurisdictional conflicts with the churches of Toledo and Compostela (the metropolitan churches of the kingdoms of Castile and León respectively), were a feature of this period with which its secular complexities were inextricably entangled (Erdmann 1935: 71–4; Feige 1991: 95–9). Thus, although the ostensible purpose of the seven visits which the archbishop paid to the papal curia between 1135 and 1175 was the defence of his church's rights against the pretensions of the church of Toledo, the timing of his journeys was regularly determined by such considerations as his royal master's most recent military exploits or political developments elsewhere in the peninsula. Not that his tireless peregrinations paid significant dividends. Due as much to his own rebarbative character as to his adversaries' diplomatic exertions, it would seem, João Peculiar consistently failed to secure unequivocal papal support either for his church or for his king (Feige 1991). Yet he continued undeterred. Although suspended from the exercise of his jurisdiction between 1145 and 1148, he remained unabashed, consecrating bishops, restoring episcopal sees which although they lay within the realm of Portugal were not subject to the metropolitan jurisdiction of Portugal's primate, and even presiding over an ecclesiastical assembly in the presence of a papal legate. Like master, like servant, in short. Regardless of accusations pending against him at Rome, as for example of furiously trampling the sacred host under foot, and regardless of two other suspensions and the threat of further punishment for disobeying papal directives to submit to Toledo (Erdmann 1935: 83; Feige 1991: 114), he doggedly pursued his course. Though the paucity of evidence relating to patrimonial and pastoral activities should not necessarily be counted against him, the picture which emerges, from what evidence there is, is of an archbishop who was in no doubt as to where his first loyalty lay – or for that matter as to where his *only* loyalty lay. In short, here was a prelate who would have felt at home anywhere in mid-twelfth-century Europe.

But times were changing. In 1169 Afonso Henriques broke his leg at the siege of Badajoz, putting paid to his celebrated invincibility, and ten years later when the papal recognition which king and archbishop had for so long laboured was finally forthcoming, Archbishop João Peculiar was dead and the king was ruling in association with his son and heir, the future Sancho I.

ESTABLISHING THE KING IN HIS KINGDOM: THE CHANCELLOR JULIÃO PAIS AND THE JURISTS

With jurists and the exploitation of legal science to the fore, by the late 1100s popes and kings were increasingly engaged in the process of defining and redefining their respective roles within Christian society. Developments in Portugal were part of this process.

Because it provided Afonso Henriques' *de facto* ascendancy with authoritative authentication, Pope Alexander III's privilege *Manifestis probatum* of 1179 (Dinis

1960: 9) constituted the new kingdom of Portugal's principal title deed. Hence the frequency with which it was reissued by successive popes at the behest of successive rulers and its value to their agents at the papal curia, particularly at times when (as they often did) those rulers found themselves at odds with the pontiff. Its insistence on the integrity of the kingdom, the definition it contained of the king's legitimacy in terms of his personal obligations and virtues, and its assertion of his right to enlarge his domain by waging war against the infidel, ensured for *Manifestis probatum* a uniquely privileged position in the documentary armoury of the kings of Portugal (Branco 2009a: 148–56; Vitória 2012: 15–22).

On Afonso Henriques' death in 1185, as well as his father's kingdom Sancho I inherited his father's chancellor, Julião Pais. The son of Paio Delgado, a warrior who had been present at the conquest of Lisbon alongside João Peculiar, Julião was a native of Coimbra, where, together with other members of his family, he acquired, by a combination of royal grant and purchase, extensive properties in the vicinity of the cathedral, as well as hosting meetings of the city council in his own home. His brother Gonçalo Dias and his son Master Julião Juliães, were successively deans of the place (from before 1195 until around 1261) and, throughout the thirty-two years of his chancellorship and beyond, other members of the clan were prominent in both Church and State. Master Julião *filis* and another son, Master Gil Juliães treasurer of Viseu and Coimbra, were intimates of Afonso II.

As chancellor, Julião Pais has been cast as the *éminence grise* of the Portuguese court, and, as the Bologna-educated civil lawyer responsible for secularising the ethos of the place at the turn of the twelfth century, as the man who reformulated the basis of Portugal's dealings with the Papacy, and the impresario who introduced Roman law concepts into Afonso II's general laws of 1211 (Mattoso 1995: 105). But this is no more than conjecture. In fact, there is no evidence to link him either with Bologna or with any other school of law, and not much to justify the confident description of him as 'Master' (Fleisch 1998: 71–4).

Although his innovations in the *formulae* of the *arengae* of the royal documents have been viewed as the harbingers of a new style of kingship, in reality the lay chancellor's model king was constructed very much along traditional lines: pious, principally dedicated to the administration of justice, the common good and the maintenance of social order, prodigal because prodigality was a sure sign of generosity of spirit, and dedicating himself to the cause of regnal harmony by employing written law to achieve what previously had been secured by good customs (Antunes 1995: 19; Mattoso 1995: 82–5). All of which (derived as it was from biblical models, Isidore of Seville and the precepts of canon law) rather closely resembled the papally approved ideal of the ruler as guarantor of justice (Post 1972: 164–70). It was not fundamentally contrasting models that distinguished the Portuguese chancellor from the Roman pontiff but rather their contrasting (and distinctive) attitudes to the model they had in common – namely the blueprint of the ideal Christian king as adumbrated in *Manifestis probatum*.

The pragmatic chancellor's reputation as civilian orchestrator of royal policy is unwarranted therefore (Branco 2000: 206–25). Even so, he was closely involved at every stage of Sancho I's long-running controversy with Rome. When, for example, in connection with reports of the king's violent treatment of ecclesiastics in general and of bishop Pedro of Coimbra in particular, Innocent III had occasion to complain



Figure 34.2 A Portuguese king, presumably Sancho I, in a late thirteenth-century imitative copy of the *foral* of Penas Ruivas. Crowned and attended by the paraphernalia of Portuguese regality, the monarch was evidently meant to appear a masterful figure. Due to the draughtsman's incompetence, however, the abiding impression is less one of powerful biceps than of a weak chin and pitiful feet. Source: Lisbon, Arquivos Nacionais, Gavetas, gav. 15, mc. 10, doc. 14. Reproduced by permission.

in 1211 that not even the heretics had thought to address him thus, and declared himself much offended by the suggestion that while the king and his warriors were starved of the means of fighting the infidel the clergy were sunk in luxurious excess, the pontiff was surely correct in surmising that it was not the king himself who had authorised these charges, nor even the witch whom he was reported regularly to consult, but rather Julião and his chancery colleagues (Costa and Marques 1989: nos. 154–5; Linehan 2013: 128–9).

As to these chancery colleagues, and the juristic character which they had in common and which is so striking a feature of these years, it can hardly be doubted that, whatever the nature of his own juristic preparation, Julião must have been instrumental in facilitating the advancement at court of the group which after Afonso II's accession in 1211 became increasingly prominent in the conduct of the king's affairs both at home and abroad. Most of these men, of a type whose emergence was closely paralleled in many other parts of Europe in these years (Baldwin 1976; Cheney 1956: 1–17, 22–39; Cheney 1967: 1–15, 77–114; Genet 1986: 296–7, 304–6; Millet and Moret 1992: 255–76), were closely related to Julião in one way or another as well as being associated with Coimbra.

The kingdom whose chancery Julião controlled was one whose legitimacy was now no longer an issue, other of course than for his royal neighbours, even if it had still to be prepared to counter the interventionist tendencies of the likes of Innocent III (Cheney 1976: 271–4; Pennington 1994: 105–10). And since 1179 other changes had occurred in Portugal's fortunes. The last two decades of the twelfth century were years of war, famine, plague and natural disaster. Militant Islam had regained almost all the territory south of the Tagus. Soon after his father's death Sancho I found himself locked in conflict with both the nobility and the Church, Braga's contest with Compostela (with its secular dimension) reached crisis point, and relations with Rome entered a new phase in which the services of learned professionals were proving ever more necessary (Mattoso 1993: 88–9, 106–8, 119–20; Pennington 1994: 105–10; Tierney 1994: 95–9), all of which exposed the king to ever closer public scrutiny. Because in this new situation an increasingly pressing need was felt for a clearer definition of the latter's functions and attributes, Julião, the chancellor, had a very different part to play from João Peculiar. Accordingly, while the new archbishop of Braga, D. Godinho, distanced himself from his predecessor's example and was increasingly occupied with the affairs of his see and with commissions as papal judge delegate, by the time of Julião's death in 1215 a new breed of chancery servant was in the ascendant. With the exception of Master Vicente (chancellor, 1224–37: Costa 1963; Machado 1965; Ochoa Sanz 1960), we know very little about the background of Julião's successors in office (Mattoso 1995: 106–7). We do know, however, that, apart from Vicente, they were predominantly members of the middling nobility and that their careers had begun in the royal chancery rather than in the law schools (Vilar 2005: 154–66).

The last years of Sancho I's reign were marked by a series of conflicts with his ecclesiastics in the resolution of which the papal curia was increasingly involved. But it was only after his death in 1211 that the impact of the new breed of royal servant became fully apparent. To his son and heir, the leprous Afonso II, Sancho bequeathed an unsettled kingdom and a state of uncertainty exacerbated by the terms of his will. By his creation of extensive hereditary appanages for three of his daughters the moribund monarch struck at the heart of his son's sovereignty (Veloso 1980). It was in these circumstances that the king's interests at Rome began to be represented by canon lawyers of the calibre of the same Master Vicente (Vincentius Hispanus), Silvestre Godinho and Lanfranco of Milan (Costa 1963: 27–8, 35, 58–61; García y García 1976: 108–12; García y García 1991: 61, 68; Maffei 1990: 18–19; Branco 2000: 505–54). With Afonso II beset by family strife, his proctors at the papal curia took their stand on the assertion that the old king's will was void by reason of his insanity (Costa 1963: 26–7) and its disregard of the principle of inalienability of the royal fisc. In the absence of any oath of inalienability akin to that later sworn by English monarchs at their coronation (Kantorowicz 1965a; Post 1964: 415–33), the new king's agents based their case on the requirement of *Manifestis probatum* and its reissues that Afonso Henriques and his successors maintain the kingdom undiminished.

In the same years two of these men, Master Vicente and Silvestre Godinho, were preparing their commentaries on Innocent III's decretal collection (*Compilatio III*), and on *Compilatio I*, and refining their glosses on such fundamental papal definitions of political theory as *Venerabilem*, *Novit* and *Per venerabilem* (Cheney 1976: 98; García y García 1976: 106–10; Post 1937: 418–19; Post 1964: 453–82; Tierney 1994: 97). Jurists such as these as well as others with peninsular and in particular Portuguese

connections for whom the issue of the independence of Spanish kings from the emperor was a familiar topos (Machado 1965: 194–6; Mochi Onory 1951: 282; Post 1937; Post 1964: 482–93; Post 1972) are unlikely not to have appreciated the implications of Afonso II's struggle for the integrity of his kingdom. The emendations to the text of *Manifestis probatum* in Innocent III's reissue of the privilege in April 1212 illustrate both the difficulty of their task as the representatives of a sick king incapable of that military 'strenuousness' which had helped to justify the legitimization of his grandfather's rule and their capacity for overcoming it by stressing instead the martial qualities of Afonso's predecessors (Costa and Marques 1989: no. 176). Likewise the replacement on this same occasion of the hallowed phrase concerning the king's suitability 'to rule his people', as repeated in earlier reissues, by a reference to the 'government of his kingdom', with the change from *populi regimen* to *regni gubernatio* is probably to be understood in relation to current discussions of the theme of the autonomy of kings (and not least Spanish kings) *vis-à-vis* imperial authority (discussions in which the opinions of both Master Vicente and Silvestre Godinho were well represented) rather than as an assertion of any novel concept of territorial kingship (Mochi Onory 1951: 274–86; Post 1964: 453–82; Tierney 1994: 95–104).

In the kingdom of Portugal itself, meanwhile, Afonso II had begun his reign by summoning a curia in 1211 and, with the consent of his magnates and ecclesiastics, promulgating a series of general laws, the purpose of which was to secure his position on the throne and reassure the nobility and ecclesiastics (Branco 1997: 80–8). As an early example of a thirteenth-century European phenomenon whereby the ruler sought to define the scope of his public authority, the promulgation of the general laws of 1211 is surely to be related to the influence of those so-called 'jurists' whose activity is amply attested both in the Italian law schools and in Spain, namely in Palencia and Zamora (García y García 1976; García y García 1991; Linehan 1998; Linehan 2006: 461–513). Although no warrior, Afonso thus demonstrated a competence to legislate as an independent ruler, and with the advice and consent of his curia, to address his subjects and make manifest to them the reality of his legitimate authority. To that end eighteen of the twenty-eight laws are introduced by a preamble in which the characteristics of the good prince are summarised mirror-of-princes style (as bringer of justice, guarantor of equity and harmony, Christian hero), reflecting the same ideals of king and kingship as those proposed by the canonists (Branco 2000: 585–95). True, kings of Portugal cut somewhat improbable figures as Christian heroes, at least in so far as their treatment of ecclesiastics was concerned. But this was compensated for by a prologue restating the supremacy of the laws of the Church over those of the prince – as befitted those canonists who, although in practice dualists regarding the spiritual and the temporal spheres, were in theory prepared to submit themselves to the ultimate authority of the supreme pontiff (Machado 1965: 180–9; Mochi Onory 1951: 206; Post 1937: 414–15).

The substance of the legislation contained various innovations, notably the requirement that title to property be confirmed by written record, laws of inheritance seemingly derived from Roman law, and in particular restrictions on the right of ecclesiastics to inherit property. This last, which was soon to provoke uproar and involve Afonso and his successors in the bitterest of strife, suggests that the jurists responsible for this legislation were taking their cue from the expression on the king's face, conscious though they must have been of what the pope (if not God) would think of the inevitable implications of the measures which they were advancing.

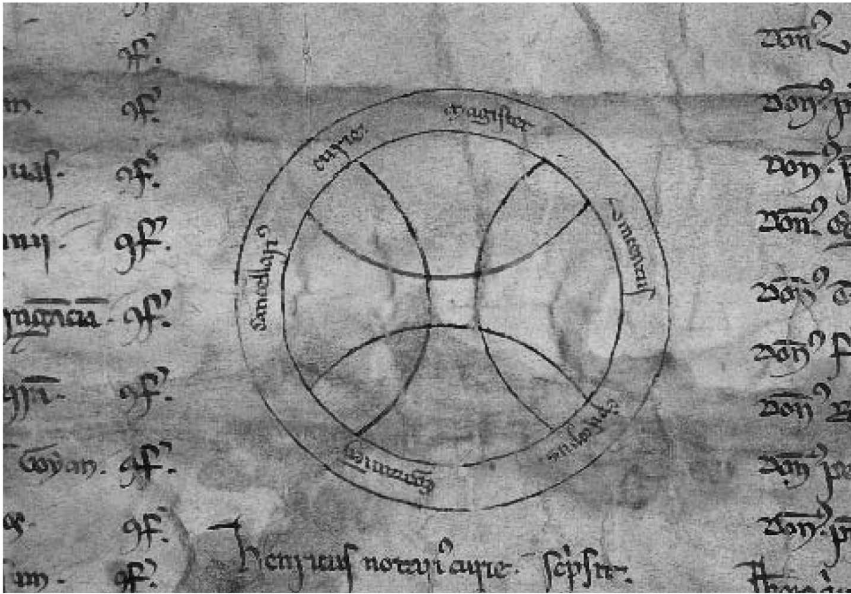


Figure 34.3 The *signum* of Master Vincentius ‘bishop of Guarda and chancellor of the court’ (Jan. 1236). Source: Lisbon, Arquivos Nacionais/Torre do Tombo, Santa Cruz de Coimbra. Documentos régios, mç. 3, doc. 1. Reproduced by permission.

TOWARDS 1245: VICENTE HISPANO AND THE ‘DEPOSITION’ OF SANCHE II

This was only the earliest instance of the broadening of the jurists’ range of activities. As the king’s contest with his sisters developed, the jurists went from strength to strength. As early as 1214 Master Vicente, now dean of Lisbon, was instrumental in promoting the marriage of the Infanta Mafalda to King Enrique of Castile (Costa 1963: 89), and five years later the conduct of the Alcácer campaign was entrusted to the bishop of Lisbon, another of the royal proctors of 1212. A roll-call of them, as well as an indication of their importance to the king, is provided by the terms of Afonso II’s grant of tithes to his bishops and to the convent of Santa Cruz of Coimbra on Good Friday 1218. His largesse was prompted, it was explained, ‘by love’ of a number of named individuals, among whom, apart from Master Vicente, there figure Master Paio cantor of Oporto, Master Julião dean of Coimbra, Master Silvestre archdeacon of Braga, and Master Lanfranco (Costa 1963: 48–9, 67–73, 396–7, 146–52, 509; Mattoso 1995: 106).

Churchmen in general were less favoured. Just two years later a royal inquiry into their titles to property was instituted. This provoked a furious reaction, resulting in the exile of the archbishop of Braga, Estêvão Soares da Silva, and occasioning Honorius III’s letter of June 1222 which threatened the kingdom with invasion, reminded his executors where their first loyalty lay, and excoriated Master Vicente and his two colleagues for remaining in the company of their excommunicated master. Yet it was to the same Master Vicente and his colleagues that the pope had to turn in

January 1224, at the beginning of a new reign, when he wrote urging them to use their best endeavours to steer the 'tender-aged and docile' Sancho II in the direction of the paths of virtue (Costa 1963: 133–4). It was the dean of Lisbon's duty to serve both his God and his king, the pontiff reminded him later that same year, while also showing himself 'benign and favourable' to churches and churchmen (Costa 1963: 136). He did not explain how those various circles were to be squared.

The multi-faceted dean of Lisbon had perforce to be a man of more than one face. As Afonso II's servant he had been aligned against Archbishop Estêvão Soares and had found himself accused of conspiracy to murder his own bishop, Soeiro Viegas (Mattoso 1993: 115; Branco 1998: 77; Costa 1963: 76–7). None the less (and surely it was no coincidence), later in his chancellorship various jurists and canonists who had been prominent during Afonso II's lifetime were appointed to Portugal's principal sees: Silvestre Godinho to Braga, Mestre Paio to Lisbon, Pedro Salvadores to Oporto – and in 1226, as Sancho II's relationship with the Portuguese Church slipped into irreversible decline – Vicente himself to Guarda. Although this was a development paralleled both elsewhere in the peninsula and also further afield in these years (García y García 1985: 46–57; Fleisch 1998; Linehan 1971; Linehan 1993), in Portugal the role recently played by such men in the kingdom's affairs gave it particular significance. No wonder Vicente was reluctant to accept episcopal office and even showed signs of resisting the pressure brought to bear in 1229 by the papal legate, Cardinal John of Abbeville (Costa 1963: 163–5; Linehan 2001: 239–41; Fernandes 2006: 166–9). For with the kingdom threatened with the papal interdict which became a reality in 1231, how was the king's chancellor to live within the same skin as the bishop of Guarda? Needless to say the chancery records themselves are silent on the subject – though it is to be noted that when Gregory IX wrote in August 1234, forbidding the ordination of *curiales* of the king's court as both contrary to canon law and liable to bring the Church onerousness rather than honour ('*non honorem . . . sed onus*'), it was not principally to Vicente that he addressed himself but to Vicente's old teacher, Archbishop Silvestre of Braga (García y García 1976: 109; Costa 1963: 207–8; Linehan 2013: I, 228).

With pressure mounting on Sancho II, Vicente as well as Silvestre cannot but have recalled their earlier adhesion to the proposition that by reason of sin (*ratione peccati*) a king was liable to deprivation of his dignity (García y García 1981: 290; Machado 1965: 182–3, 187; Mochi Onory 1951: 213–25; Post 1972: 165–8). In his *Apparatus* to the *Liber Extra* of Gregory IX, Vicente reaffirmed this doctrine, as Silvestre had done in his gloss to *Compilatio III* (Machado 1965: 185–8; Post 1937: 414–15; Post 1972: 168–70).¹

The Portuguese bishops had been considering the question of a replacement for their king for some time already, and in 1245, when by his celebrated bull *Grandi* Innocent IV declared Sancho II to have forfeited the administration of his kingdom, only one of them, Aires Vasques of Lisbon, spoke up for the monarch (Cunha 1642: 160–3; Branco 2003). 'What is really striking about 750/51' – where this present chapter began – is, it has been said, 'the coincidence of Frankish clerical and lay aristocratic interests and of those with the papacy's' (Nelson 1988: 214). *Mutatis mutandis*, the same goes for Portugal almost five hundred years later. It would be interesting to know Vicente's opinion of *Grandi*, enshrining as it did the fully developed canonical doctrine concerning the right of the pontiff to intervene in such a

situation (Peters 1970). Unfortunately, however, though characteristically perhaps, that sedulous servant of two masters left nothing on record.

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NOTE

- 1 Silvestre Godinho was in Rome from 1243 and died there in the summer of 1244. Vicente was at work on his Apparatus sometime between 1234 and 1245, the year of the Council of Lyons whose canons he does not quote (Costa 1963: 15–17; Machado 1965: 102).

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CHAPTER THIRTY-FIVE

FULLNESS OF POWER? POPE, BISHOPS AND THE POLITY OF THE CHURCH 1215–1517



James Burns

I

‘As we cross the threshold of the thirteenth century the dream of world dominion, which had died with an Emperor, springs to life again in the policy of a Pope’ (Fisher 1936: 259). The words are those of H. A. L. Fisher, two generations ago, in his *History of Europe*. It was perhaps always an over-confident judgement on Innocent III; and the sixty years since it was pronounced have, at the very least, blunted its sharp outlines. Students of the period are now warned of ‘a veritable quagmire of radically different interpretations by modern historians of Innocent’s pontificate’ (1198–1216) (Canning 1996: 121). In fairness to Fisher it should be pointed out that he went on to dismiss as ‘false to history’ the notion that Innocent’s government of the Church was ‘a theocracy tyrannically worked and slavishly accepted’. Yet if his reign must still be seen as crucial in the history of the Papacy, this is surely because, by consolidating and codifying the system that had developed since the mid-eleventh century, he set a coping-stone upon an edifice which is still, almost eight centuries later, by no means wholly dismantled. However circumscribed its practical scope may be, the principle of absolute monarchy remains central in the theory of the Papacy:

The Roman Pontiff, by reason of his office as Vicar of Christ . . . and as pastor of the entire Church, has full, supreme and universal power over the whole Church, a power which he can always exercise unhindered.

That doctrine is proclaimed in the Second Vatican Council’s Dogmatic Constitution on the Church (*Lumen gentium*), promulgated in 1964; but Innocent III would have had no hesitation in endorsing it.

The reference, in *Lumen gentium*, to the pope as ‘pastor of the entire Church’ is of particular interest because one conclusion suggested by recent scholarship is that Innocent III should be seen, not as a canon lawyer raised to the papal throne, but as, primarily, a pastoral pope (Imkamp 1983). This is connected with the question whether the young Lotario de’ Conti was indeed, as has been generally supposed, a trained canonist. Whatever the answer may be, it is important to bear in mind that,

since at least the time of Gregory the Great, the pope had been seen both as shepherd and as ruler. As *rector*, again, he was also *legis lator* or lawgiver; and it would be hard to deny Innocent III a critically important place in the legislative development of the Church. The first pope to promulgate an authoritative collection of decretals, he clearly conceived of his office as principally and essentially concerned with jurisdiction. Many of the familiar (not to say notorious) political events of his pontificate hinged on the papal claim to wield juridical control over temporal rulers. Yet, arguably, such episodes as Innocent's conflicts with the kings of England and France were less permanently important than matters more immediately concerned with the polity of the Church. The grounds for saying this are that Innocent III's doctrine and practice in regard to the exercise of authority in the strictly ecclesiastical sphere, continued and developed by his successors in the thirteenth and fourteenth centuries, determined the character of the dominant social structure in Europe for the rest of the Middle Ages and, in many ways, well into modern times.

What Innocent brought to fulfilment – he did not, of course, originate it – was not so much the most effective as the only effective centralised monarchy in medieval Europe. That in doing so he set up a model for aspiring temporal rulers to imitate is certainly true. It is also the case that the eventual success of temporal realms in following that example spelt the inevitable decline of the papal monarchy from its medieval grandeur. Later popes were obliged to conserve their power by compromising in practice with the kings and princes they might in principle regard as their subjects – even, in some instances, their vassals. Such considerations, however, do not lessen the magnitude of the papal achievement. Doubtless it always fell far short of Fisher's 'world dominion'; but even a superficial acquaintance with the records of papal juridical and fiscal administration as it operated throughout Latin Christendom is enough to convey the range and penetration of an astonishing bureaucracy.

In considering briefly some specific aspects of Innocent III's government of the Church, it is important to bear in mind that the pope was both *pastor* and *rector*: as shepherd he must feed the flock he ruled and guided. Sound doctrine was the wholesome food he must supply; and whether Innocent had studied law in Bologna or not, he had read theology in Paris. When we look for indications as to how papal government was affecting the lives of ordinary people, we can see at once that Innocent's rule had its roots in his theology of the Church and of the sacraments. Thus the regulation of liturgical practice in the celebration of Mass and in securing due reverence for the consecrated bread and wine reflected the clarification of the doctrine of the Eucharist. Closely related to this is the discipline of obligatory individual confession at least once a year. In the same vein, and in common with 'Sabbatarian' legislation of various kinds, the prohibition of miracle plays in church was aimed at enforcing the separation of the sacred from the profane. And, at a time when mercantile activity was growing in scale and vigour, biblical warrant could doubtless be claimed for policies which affected economic life by controlling usury and prohibiting the use of church premises as markets. Meanwhile, the Church's courts took the initiative in reforming legal procedures. The Fourth Lateran Council, in 1215, forbade the clergy to participate in trials by ordeal; and canon lawyers led the way in developing the theory and practice of 'due process' (Pennington 1984: 43–58; Pennington 1993: 132–5).

In these and other ways, 'the principles of a unified society under papal sovereignty were given the means of becoming a reality' (Southern 1986: 237). However, if those



Figure 35.1 Absolute monarchy in marble. Pope Boniface VIII (1295–1303) by Arnolfo di Cambio. Florence, Museo dell' Opera del Duomo. Photo: Scala, Florence.

means were to be effective in practice, if those principles were to operate in society, there had to be a measure of what would nowadays be called 'devolution' and 'subsidiarity'. Sovereign power was doubtless vested in a centralised monarchy. The papal Curia was, to be sure, the appellate tribunal of last resort. Papal emissaries had crucial parts to play – not least in preaching the pope's message on this or that theme of urgent concern (Southern 1986: 239 n. 1). Yet much of the work 'on the ground' had to be carried out by the diocesan bishops and by those (especially the archdeacons) to whom episcopal authority was delegated. The pope's *plenitudo potestatis* was

balanced by the bishop's *pars sollicitudinis*; fullness of power might often have been empty enough if the burden of implementing policy had not been shared.¹ This, of course, made it all the more important for the Papacy to maximise its control over episcopal appointments; and it is unnecessary here to do more than recall the contentious issues this raised with the kings and princes for whose government the bishops were also key figures. Up to a point, during the period when papal power reached its apogee, the interests of pope and bishops marched together. Episcopal authority could be enhanced by the bishop's assurance that he wielded the spiritual power of an organisation increasingly confident in its sovereign independence. If, however, the price of sharing in that independence proved to be undue dependence on the Papacy, there was bound to be tension within the hierarchical body of the Church.

Such tension is hardly detectable in the 'ideology' of papal power that was emerging in the writings of the canonists. Already during the pontificate of Innocent III, Laurentius Hispanus was portraying that power in what may well appear to be extravagant colours. It was he who first applied to the pope's legislative authority the phrase, borrowed from Juvenal, *sit pro ratione voluntas*. The pope's will, constituting in itself a sufficient reason for what was enacted, prevailed over any opposing positive law. The pope, Laurentius claims, 'can change the nature of things . . . he can make iniquity from justice . . . and there is no one in the world who can say to him, "Why do you do this?"' No doubt Laurentius 'meant to provoke and to teach'. And his teaching was subject to the proviso that papal power should be used 'for the public good' (Pennington 1993: 46–7). Yet such formulations of absolute power, repeated and developed by later jurists, were to reverberate down the centuries, resounding in many ears as so many harsh *leitmotive* of tyranny.

Nevertheless, as Fisher saw, the medieval Papacy was not a sheer tyrannical theocracy. The theory and practice of papal government were not those of arbitrary or merely autocratic rule. It is a striking fact that Innocent III's pontificate was finally crowned by a council in which the whole Church was intended to be associated with the pope's reforms. The Fourth Lateran Council – arguably the most important such assembly in the medieval period – was distinguished among other things by the range of its membership. The pope summoned to Rome not bishops only, but abbots, provosts of cathedral chapters, and (notably) temporal rulers. To claim that Innocent 'can be said to have paved the way for the conciliar movement' may go too far; but to describe Lateran IV as 'the first truly universal council of the Middle Ages' is a fair enough evaluation of its significance (Ullmann 1975: 156–7). Even so, Innocent's council, like every ecumenical council, was primarily a gathering of bishops presided over by the chief bishop. Like any medieval monarchy, the Church was ruled by its monarch and its magnates together, in a partnership as indispensable as it was often problematic. The papal monarch plainly had at his disposal a more sophisticated instrument of government than anything enjoyed by temporal rulers; but the stubborn problems of government itself persisted.

II

The thirteenth century was an age of notable legislators, and not the least notable were its popes. Building on the solid foundations laid by Innocent III and the Fourth Lateran Council, Gregory IX (1227–41) and Innocent IV (1243–54) – to mention

the most outstanding reigns – developed still further a structure of canon law which was to have the keenest legal minds of the age as its expositors. Innocent IV, for that matter, was a distinguished jurist in his own right as well as a vigorous pontiff. He combined the two roles, commenting (for example) as a jurist on the pontifical decree whereby he had deposed the Emperor Frederick II. And in juristic doctrine his careful distinction between personal and corporate liability gives him a claim to an important place in the development of the concept of individual responsibility (Black 1988: 599, 601). A similar dual role is exemplified at the episcopal level by the leading canonist of the century, Hostiensis (Henricus de Segusio: d. 1271). Besides teaching canon law in the universities, he ‘led a life of administrative activity’ as, successively, bishop of Sisteron, archbishop of Embrun, and cardinal-archbishop of Ostia (Pennington 1993: 48–75). Such a man was not likely to undervalue episcopal authority, however strenuously he upheld – as Hostiensis certainly upheld – papal supremacy. Striking the necessary balance between these two essential forces inevitably generated tension – manifested, of course, not merely in juristic doctrine and scholastic disputation but in the practical politics of Church government. The difficulties are well illustrated by the episcopal career of Robert Grosseteste (c.1175–1253).

Grosseteste, who became bishop of Lincoln in 1235, may seem too distinctive, too brilliant a figure to be regarded as typical. Yet however individual and original his intellectual response may have been, the problems he faced were those faced by the Church in general, and in particular by the episcopate. Grosseteste’s government of his diocese, energetic and wide-ranging, exemplified the ways in which the principles of church discipline were given practical effect. His (abortive) attempt to insist that canon law should prevail over the law and custom of England in regard to legitimacy and bastardy reflected the Church’s demand for a spiritual jurisdiction independent of – ultimately indeed superior to – the civil power. In such matters as these Grosseteste could look for and receive papal support. And he took an appropriately lofty view of the Papacy, addressing Gregory IX in terms of reverential obedience and dedication to devoted service in ‘whatever task you may wish to impose on me’ (Southern 1986: 272). Yet if Grosseteste shared ‘the intense Papalism of the best men’ of his day, he also believed ‘that the pope was not the lord over the bishops but one of them’ and that a bishop’s diocesan ‘authority and responsibility, like that of the pope himself, came from God’ (Smith 1913: v; Southern 1986: 262–3). In practice the issue arose sharply in regard to appointment to ecclesiastical benefices.

There was, to be sure, an entirely respectable case, made out in the twelfth century, for appointments by papal ‘provision’. The system might ensure, at a time when adequate clerical education could not be taken for granted throughout the Church, that offices were filled by men properly qualified for the tasks to be performed. Provision (it has been said) ‘opened up, as university authorities quickly realized, opportunities for advancement to educated men whose lack of social standing would, in the eyes of . . . electors or patrons, have made them ineligible’ (Oakley 1979: 51). The original purposes of the system were indeed such as Grosseteste warmly endorsed. It was, however open to abuse. When a bishop’s pastoral care for his flock was undermined by unworthy provision to benefices within his diocese (whether this was the work of the pope himself or of the ‘familiars’ of the Curia) the unquestioned papal fullness of power was being disastrously abused.

Such alleged abuses were certainly among Grosseteste's concerns when he visited the papal Curia at Lyons in 1250; but the significance of that visit may be more complex than some accounts have suggested.

The statements (both written and oral) made to the pope and cardinals clearly express Grosseteste's impassioned condemnation of the obstacles to effective pastoral care. Those obstacles, however, were not created only by the pope and his 'familiar'. Their guilt was real; but it was shared by others – not least by the episcopate, when bishops failed to discharge their apostolic responsibilities. A recent 'diplomatic analysis' of the documents suggests that Grosseteste's main (though certainly not his sole) preoccupation in 1250 was to oppose burdensome interference by the archbishop of Canterbury in the sphere belonging to suffragan bishops like himself. And if Grosseteste could adopt an apocalyptic tone in his fear that the Papacy itself had 'become a source of perdition', he still looked to the pope as head of a rightly ordered hierarchy to preside over the essential remedy for what was amiss. Pope, cardinals, archbishops, and bishops must combine to ensure that the task of saving souls was 'given to those who understand the Gospel of Christ' (Goering 1997; documentation in Gieben 1971: 340–93).

Serious historians have long discounted the legendary status of this 1250 episode as a scene in the long struggle between the *ecclesia anglicana* and 'papal aggression'. The analysis just summarised casts doubt even on the notion that the aged Grosseteste returned home in despair after defeat in a confrontation if not an open conflict (Southern 1986: 279–81). Yet there was still an issue here of critical importance for the polity of the Church. What, after all, *was* the status of bishops in relation to the pope? They were indeed his brethren, sharing in the apostolic succession; but he, the chief bishop, was the successor of Peter, prince of the apostles. Still more, he was, by virtue of that succession, the vicar of Christ Himself. On that basis it could be argued that episcopal authority was simply delegated by the pope, since, in the words of the Franciscan Thomas of York in 1256: 'an inferior prelate has nothing save from [his] superior, namely the supreme pontiff' (Tierney 1972: 66 n. 3). It is especially significant that Thomas was a Franciscan; for the issue in question had been greatly sharpened by the rise of the mendicant orders and the ensuing conflict with the secular clergy. Dominicans and Franciscans formed what might be called a militia or task-force at the disposal of the pope. It was, to be sure, possible for this force to collaborate with a diocesan bishop. Grosseteste, for example, having had Franciscan support for his election, had the help of both Franciscans and Dominicans in his pastoral work (Southern 1986: 11, 258). On the other hand, there could be (and very commonly was) hostility between the mendicants and both the parish clergy and the diocesan authorities (Tierney 1972: 64–5).

The details of the controversy between mendicants and seculars lie, like the intricacies of the debate on Franciscan poverty, well beyond the limits of the present discussion. There is, however, a related issue in ecclesiastical polity which does call for comment here. It may be expressed in terms of the soldierly metaphor used above – not unsuitably, perhaps, in regard to the Church Militant. Absolute monarchy, however complex its structures, entails a single chain of command; and papal doctrine during the thirteenth century was plainly taking that direction. On that basis, bishops, secular clergy and religious orders were all forces to be disposed and directed by the pope. All other authorities were subordinate to the papal supreme



Figure 35.2 Boniface VIII inaugurates the Jubilee. The Lateran Palace, Rome, February 1300. Milan, Biblioteca Ambrosiana. Photo: Scala, Florence.

command. Now such a model, even if the practical obstacles to its implementation were set aside, was inescapably problematic as a theological account of the ecclesiastical hierarchy. It was doctrinally impossible to deny to bishops and priests a sacramental authority independent of the Papacy. The pope might be *the* vicar of Christ, but every ordained priest acted in the person of Christ when he gave absolution in the confessional or celebrated Mass at the altar. This could, of course, be met by insisting on the distinction between *potestas ordinis* and *potestas iurisdictionis*; but (at least in regard to jurisdiction at the episcopal level) it was far from easy to gain-say the view that ‘within his diocese it was the bishop’s duty to make decisions . . . in

the light of the fundamental law of the gospel, to which both he and the pope were subject' (Southern 1986: 263).

Again, even though any individual bishop was inferior to the pope in jurisdictional authority (as he manifestly was in territorial competence), this still left open the question of the authority of the pope in comparison with the bishops as a collegial body. That question would not reach its medieval point of crisis for another century and a half. No doubt the general councils held at Lyons in 1245 and 1274 were 'primarily debating assemblies presided over by the pope' (Ullmann 1975: 156). Such an assembly could serve as a forum for the contention between secular clergy and the mendicants, as proposed by the friars' most vehement adversary, William of St Amour, in the 1250s (Tierney 1982: 60–5; Linehan 1997: 16–17). A council could also provide a platform for criticism of the Papacy and opposition to papal policies; and the potent notion of an appeal against the pope to a general council was in the air. In that connection the high politics of Frederick II's appeal to the First Council of Lyons against his deposition is less significant here than the activity of the English clergy at the same period. Having failed in their protest against papal taxation at Lyons in 1245, they renewed their efforts in the following year by appealing explicitly to a future general council of the Church (Becker 1988: 47–53; Powicke and Cheney 1964: 388–401). Papal absolutism might remain unshaken, but it did not go unchallenged.

III

As Dante is led by Virgil through the third *bolgia* of Hell, he is greeted by a cry from one of the simoniac sinners:

Se' tu già costì ritto,
se' tu già costì ritto, Bonifazio?

The speaker is Nicholas III, supposing that Boniface VIII is 'already', in 1300, 'standing there' in the place prepared for him to occupy after his death in 1303.² The savage irony of this imagined case of mistaken identity may tell us more about 'the political theory of a fanatic' (Holmes 1980: 41) than about the failings of either pope. Yet it is possible to see in Boniface's pontificate, closing the thirteenth century as Innocent III's had opened it, the disastrous end to a story that had begun in triumph. His conflict with Philip the Fair of France led to humiliation soon followed by death. His ringing proclamations of papal supremacy might, within a few years, sound hollow, mocked by the 'Babylonish captivity' of the Avignon Papacy and thereafter by the forty years' scandal of the Great Schism. On the other hand, Boniface VIII was described, in his own day, as 'excelling in wisdom and providence, to guide the lofty and burdensome business of the Church' (Boase 1933: 377). In our own time, he has been reckoned as one of the popes who 'happily combined scholarship with practical statecraft' (Ullmann 1975: 168). His contribution to the codification of canon law, the *Liber Sextus decretalium*, has been called 'the lasting monument of a distinguished legislator' (Burns 1988: 663). As for what followed his reign, we shall see that the picture of the fourteenth-century Papacy as an institution in crisis and decline calls at least for questioning and qualification.

What can scarcely be questioned is that Boniface VIII's reign demonstrates the extent to which the polity of the Church was now entangled in the politics of the Papacy as a European power, and especially as a major player on the Italian political stage. When he invoked the authority of the Fourth Lateran Council in his attempt to bar the taxation of the French and English clergy to finance the war between Philip the Fair and Edward I of England, Boniface may (like another pope in the words of a lesser poet than Dante) have

cast his arms abroad for agony and loss,
And called the kings of Christendom for swords about the Cross.

But we may safely assume that the possibility of a new crusade was less in the forefront of his mind than the actual need to restore a united kingdom of Naples and Sicily for his Angevin ally Charles II. 'The essence of papal finance' (it has been said) 'was the imposition of taxes upon the European clergy as a whole with which to pay for armies to carry out papal policy in Italy' (Holmes 1980: 23).

The time, however, had not yet come – if come it ever did – when the Papacy would act, whether in Italy or elsewhere, simply as a 'state' engaged in the business perspective of Christendom at large, was primarily spiritual and which, for that very reason, ought to prevail over temporal power. His assertions were distinguished, not by any significant novelty, but rather by 'the pithy, succinct and concise formulation of mature hierocratic ideas' (Ullmann 1975: 276). The most celebrated of them, *Unam sanctam* (1302), drew on theological as well as on canon-law sources (notably on Pseudo-Dionysius, Hugh of St Victor, and Thomas Aquinas) to demonstrate that 'it is absolutely necessary for salvation that every human creature be subject to the Roman pontiff.' Whether such papal ecclesiology was undermined or fostered by the new intellectual movements produced by the full recovery of Aristotle's works, the ensuing century was to see some of the most extreme statements of medieval papalism.

What is certainly the case is that Boniface VIII had encountered and failed to overcome a new kind of opposition to the claims of the Papacy. The French monarchy under Philip the Fair had shown what a determined and highly organised temporal power could achieve by way of putting into practice the principle already acknowledged in the days of Innocent III: *Rex in regno suo est imperator*. Neither the Holy Roman Empire nor 'the Empire of the Gregories and the Innocents' (Smith 1913: 101) – to whom we may add the Bonifaces – was to prevail over the *imperium* of kings secure in their kingdoms. When we set the general principle in the context of such particular circumstances as the transfer of the papal court to Avignon in 1309 and the summoning to Vienne two years later of a general council of the Church with the posthumous condemnation of Boniface VIII for heresy on its agenda, we are bound to ask whether the Papacy itself had not indeed been captured and subdued. The answer is less straightforward than it may seem.

In the mere absence from Rome of the pope or his court there was nothing unusual: 'the papal court of audience' (it has been said, with reference to the later thirteenth century) 'was never able to remain in Rome for long' (Sayers 1980: 115). Two French popes in the 1260s never visited the city at all (Paravicini Bagliani 1995: 21). Avignon (which became papal property by purchase in 1348) offered greater

security – under French protection to be sure; and now that the focus of power in Latin Christendom had moved decisively to north-west Europe there was, so to speak, a geopolitical argument for regarding Rome as a less effective centre for the government of the Church (Holmes 1975: 83–5; Oakley 1979: 38–55). Certainly papal administration lost none of its commanding efficiency during the seven decades of ‘exile’. Control over appointments to benefices, and in particular to bishoprics was firmer than ever, the fiscal demands of the Curia more exacting. There is certainly a strong case for regarding the Avignon Papacy as ‘the most impressive hierarchical imperialism that Europe has ever seen’ (Holmes 1975: 94). Nor can it fairly be said that the popes of that period, preoccupied though they doubtless were with the grandeur of their office and the goals of nepotism, lost sight of more disinterested concerns. Benedict XII (1334–42) was active in pursuit of reunion with the Greek Church and legislated for monastic reform. Clement VI (1342–52) and Urban V (1362–70) were serious though unsuccessful in seeking to launch a new crusade. The fourteenth-century Papacy was still vigorously playing its leading role in the Church: it cannot in justice be seen as a mere instrument of temporal politics in its own or other rulers’ interests.

There was of course another side to the picture. If there was nothing new in venality and ambitious corruption at the papal court, there was nothing edifying either. And if pontifical grandeur, in both its positive and its negative aspect, is one striking feature of the religious history of the fourteenth century, another is the extent to which mainstream orthodoxy was evoking dissent. Dissent as such, of course, amounting in some cases to heresy, was no novelty. Since the late eleventh century ‘sect-formation’ had been a recurrent phenomenon in the Latin Church.³ Even in the fourteenth century no sect yet amounted to a threat. Some dissenting movements, however, may by then be seen as pointing to sources from which a genuinely threatening challenge would later come. In this perspective the continuing conflict with, and within, the Franciscan order over apostolic poverty is less significant than, for instance, the rise of communities of *béguines* and the less numerous male *beghards*. The *béguines* – pious women living together in the world without any formal rule or organisation – were condemned by the council of Vienne in 1311 as victims of ‘a kind of madness’, which led them to ‘express opinions . . . contrary to the Catholic faith, deceiving many simple people’ (Holmes 1975: 162). A more widespread, structured and enduring challenge to the established order came from the Waldensians. Their commitment to what Jean-Jacques Rousseau was to call ‘the religion of the Gospel, pure and simple’ attracted substantial followings in various regions (not least in Bohemia) and was in time to produce a separate church alongside those brought into being by the sixteenth-century Reformation.

More alarming to the ruling hierarchy was the suspicion that dissenting groups might go beyond evangelical quietism towards the anarchy of antinomianism. And here ‘the complexities of deviation’, compounded by the character of the evidence, pose formidable problems of interpretation (Oakley 1979: 175–212). Nowhere are these more evident than in attempts to understand ‘the heresy of the Free Spirit’, to whose adherents extravagance in both belief and conduct was attributed at the time and in some later historical accounts (Lerner 1972). Perhaps the most that can be said in brief is that the alarm such movements excited was as real as most of the suspicions were probably exaggerated. In any case, however deep-seated the underlying

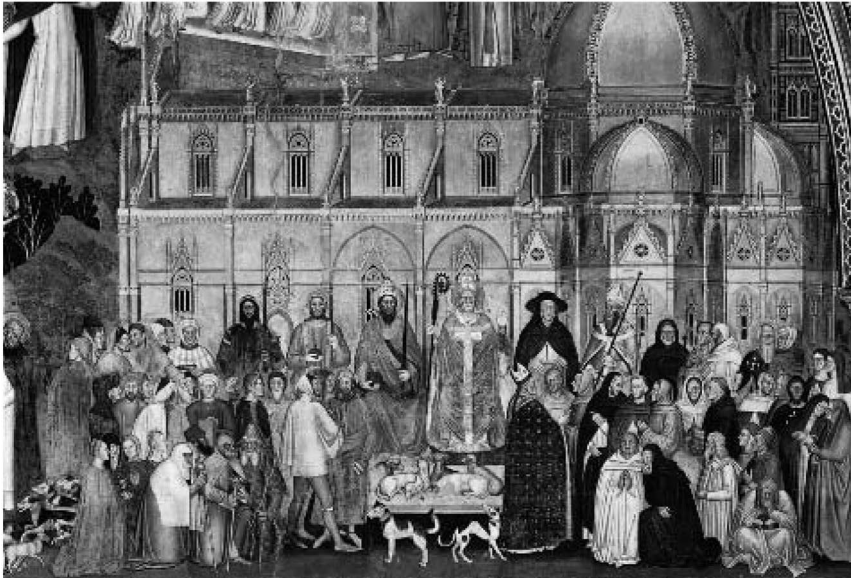


Figure 35.3 Andrea Bonaiuti's fresco *The Church Militant* (lower left quarter) in the Spanish Chapel, S. Maria Novella, Florence, c.1365. Photo: Scala, Florence.

malaise may have been, the symptoms so far examined proved to be, for the most part, transitory. The Church authorities were often adept in absorbing and, as it were, domesticating what could not be suppressed. When, in the closing decades of the century, the greatest crisis of the medieval Church broke, the point of fracture lay in the ecclesiastical polity itself.

IV

On 13 June 1376 Gregory XI left Avignon for Rome. How far, if at all, his decision to do so was influenced by the urging of St Catherine of Siena may be debatable. In any case it was a decision which could, both at the time and in historical perspective, be seen as at once radical and predictable. There had always been a powerful magnetism drawing the Papacy back *ad limina apostolorum* and an enduring political (and fiscal) interest in control over the papal states in central Italy. For fourteen years the Spanish cardinal Gil de Albornoz, sent as legate by Innocent VI in 1353, directed what could almost be called a reconquest, and sought, in the *Constitutiones Egidianae*, to give the patrimony of St Peter a form of ordered government. By 1367 Urban V was able to return to Rome and, though the administrative centre did not move with him, to remain there for two years. Both then and ten years later, however, there were strong pressures and persuasive arguments against the return. Rome (as usual) was in ruinous and unhealthy decline, the populace restive when they were not rebellious, security still far from assured. And the pressures in favour of remaining in Avignon were formidable. The French monarchy, emerging under Charles V from a protracted 'time of troubles', had no inclination to surrender the

leverage afforded by the location of the Papacy under its shadow if not within its territory. The college of cardinals and the greatly expanded papal bureaucracy were overwhelmingly staffed by men whose interests and instincts alike disposed them to remain north of the Alps. None of this, however, prevailed in the end over the determination of 'a seriousminded Pope . . . who hoped to unite western Europe in a crusade' (Holmes 1975: 45).

Gregory XI's determination led to a disaster even the prophetic charism of a Catherine of Siena could not foresee. He himself died only fourteen months after his solemn entry into Rome in January 1377; and the election of his successor was soon followed by the schism that split Latin Christendom into rival papal 'obediences' for almost forty years. It is tempting indeed to speculate that it might have been better for the Church if Gregory had been able to carry out his reported intention of returning to Avignon. In the event, the election of Urban VI was, from the outset, insecure. Of the twenty-three cardinals, six had remained in Avignon. Most of those who took part in the conclave were French (or at least, as we would now say, Francophone); but their divisions played into the hands of the four Italians in the college. The choice fell upon the archbishop of Bari – who, if not the 'Roman pope' for whom the mob clamoured, was 'at least an Italian'. Resentment of the new pope's austerity and harshness soon combined with doubts (both genuine and factitious) as to the validity of his election as well as with political interest to alienate the cardinals. Withdrawing to Anagni, they repudiated Urban and elected Robert of Geneva in his place as Clement VII. Clement soon made Avignon his base and secured substantial political support, with France and Castile as the pillars of his 'obedience'. The Great Schism of the West had begun (Holmes 1975: 168–95; Oakley 1979: 55–70; Thomson 1980: 3–28).

Schism as such was no new experience for the Latin Church. The eleventh century had produced four antipopes, the twelfth a further ten; and if most of these were transient figures, the schismatic succession during the pontificate of Alexander III (1159–81) showed some degree of permanence. No previous episode, however, was comparable to the all but forty years ending with the election of Martin V in November 1417. Even then, indeed, the chapter was not finally closed. To be sure, the final phase of the Avignon Papacy (latterly on the Aragonese promontory of Peñíscola) was shadowy enough (Linehan 1998); but it did not end until the adamant Benedict XIII (1394–1422) had been succeeded by Clement VIII (1423–9). The sequel to the Council of Basel's election of Felix V in 1439 never rivalled in scale what had happened between 1378 and 1417. None the less, when that 'Little Schism' finally ended in 1449, during only one of the previous seven decades had the Church had a pope who had enjoyed totally unchallenged authority.

Plainly such a protracted crisis both reflected and prompted change in the ecclesiastical polity. Most obviously, the years of schism were the years of what historians have called the Conciliar Movement. Between 1409 and 1449 four general councils tried, with varying success, to deal with the problems facing the Church. Insofar as their concern was for 'reform in head and members' these assemblies might be regarded as continuing the work of their medieval precursors from Lateran III (1179) to Vienne. There was, however, a crucial difference. With Vienne as perhaps a partial exception, those earlier councils had worked under firm papal direction. Now, however, the most urgent problem was, precisely, a stubborn dispute as to

where papal authority truly lay. The first fifteenth-century council met at Pisa when, and because, both rival popes had been deserted by their cardinals. It is especially noteworthy in the present context that, as in 1378, the initiative was again taken by the Sacred College. This draws attention to the emergence in this period of a 'cardinalist' alongside the older 'episcopalist' view of church government. The cardinals, still comparatively few in number, could claim in a special sense to embody the Roman Church and thus to have an essential role in Roman primacy – granting, when necessary, that 'Rome' was to be understood in the light of the maxim *Ubi papa ibi Roma* (Thomson 1980: 29–53). It is a not unremarkable fact that five of the most important fifteenth-century writers on ecclesiastical polity all became cardinals: Pierre d'Ailly, Franciscus Zabarella, Nicholas of Cusa, Juan de Torquemada, Juan de Segovia.

At the same time, more inclusive views of the Church did not by any means disappear or go by default. When the efforts at Pisa proved abortive – or worse, since a third papal 'obedience' emerged with the election of Alexander V and then of John XXIII – the next council, at Constance, looked to nothing less than a constitutional reform in which a broadly representative council would have an entrenched role, meeting regularly, no longer dependent on a discretionary papal summons. Such councils, moreover, were defined as holding supreme authority in the Church, with their supremacy over the pope manifested in the depositions or forced abdications which had eventually brought the schism to an end. This was not a new way of envisaging the ecclesiastical polity. A century before, at the Council of Vienne, Guillaume Durand had argued for a governmental structure in the Church very similar to what was now advocated by Pierre d'Ailly and Jean Gerson and woven by Nicholas of Cusa into his great vision of 'Catholic concordance' (Fasolt 1992; Oakley 1964; Pascoe 1973; Sigmund 1963; Sigmund 1991).

That practice in 'the real world of politics' fell short of the theory and the vision hardly needs saying. Even in its more restricted aristocratic or oligarchic form, expressed most especially perhaps by Zabarella (Canning 1996: 181), with the cardinals envisaged as acting in consistorial association with the pope, the conciliar concept made little permanent headway at a time when the current of European politics was running strongly in the direction of absolute monarchy (Burns 1992). Absolute monarchs had, it is true, powerful motives for opposing papal absolutism; but only temporary expediency was likely to attract them to the conciliar alternative. A case could even be made – and indeed was made, and vigorously made, by supporters of Eugenius IV against the Council of Basel – for the view that all monarchical authority was menaced by conciliar 'democracy' (Black 1970: 85–90). Kings, however, would see the restored papacy after 1449 as the greater threat.

On the other hand, the Council of Basel, like that of Constance before it, had as one of its concerns another, greater threat to the principle of authority. The papal schism had latterly been accompanied by a still more portentous division in Latin Christendom. Dissent and heresy had returned in the late fourteenth century in a radical form; and by the early fifteenth century the challenge reached alarming proportions. The complex heterodoxies of John Wyclif, which latterly included a sweeping attack on the papal hierarchy, incurred episcopal condemnation in England and a summons to Rome by Urban VI (with whose reforming austerity at least Wyclif certainly sympathised). That process was foreclosed only by Wyclif's death in 1384.

In Bohemia, Jan Hus and his followers drew some of their inspiration from Wyclif in what has been called 'The First Reformation' (Holmes 1975: 195–213). The Hussite movement and its consequences overshadowed the Church for a century before the start of what we have been conditioned to think of as *the* Reformation (Oakley 1979: 195–209, 294–301; Ozment 1980: 165–70).

When Hus was condemned as a heretic by the Council of Constance in 1415, his treatise on the Church (*De ecclesia*, 1413) was a major ground for the sentence. Much of what he had said in that text (how much has been the subject of scholarly debate) came from Wyclif (Oberman 1981: 207–37). Hus maintains, for instance, that 'no pope is head of the catholic church': such headship belongs to Christ alone, while the Church itself is – though Hus is hesitant on this point – not so much the congregation of all believers as the community of those predestined to salvation. The hierarchy of the Church enjoyed only secondary authority; and Hus, like Wyclif, argued strongly in favour of the secular power as the instrument of Church reform. Yet he stopped short of Wyclif's more startling extremes in other aspects of theology, neither questioning the Church's essential teaching in regard to the sacraments nor endorsing Wyclif's challenge to the sacramental ministry of sinful priests. On the 'left wing' of the developing Hussite movement, to be sure, more radical views emerged. The Four Articles of Prague (1430) called not only for freedom to preach the Word and to receive communion under both kinds, but for the surrender by the pope and every bishop and priest of all surplus wealth and (most radical of all, no doubt) for the elimination of all public sin. The millenarian Taborites went further still, not simply in their expectation of Christ's imminent return to earth, but in their devaluing of the sacraments.

In the light of these developments, it is scarcely surprising to find that violent conflict raged in the 1420s and early 1430s both within and against the movement Hus had inspired. The settlement reached in 1435, after well over a decade of armed struggle, was the work, primarily, of the Council of Basel – arguably the greatest achievement of the entire Conciliar Movement. The terms of the settlement, however, were ominous. Peace was restored on the basis of a permanent division in Bohemia between Catholics and the moderate Hussite Utraquists, who retained communion 'under both kinds' and their separate ecclesiastical organisation. Such coexistence was predictably uneasy, even if both parties could reflect with satisfaction on the defeat of more revolutionary forces (Gill 1965: 165–91, 335–7, 338–42).

Elsewhere in Europe the pattern of religious life was undergoing diversification in less dramatic but still significant ways. Apart from lingering Lollardy in England and Scotland, Waldensian dissent (more especially in the Alpine and sub-Alpine areas of south-eastern France and north-western Italy) survived stubbornly despite intermittently violent persecution. Meanwhile, within the fold of the Church, the so-called *devotio moderna* was vigorously at work. In itself a tendency rather than a movement, this nevertheless provided the inspiration for more or less organised movements of various kinds. The common elements in these may perhaps be identified as Christ-centred asceticism and an emphasis on personal (though not necessarily individualistic) spirituality. Both elements are encapsulated in the title of the most influential text produced by the *devotio moderna*: Thomas à Kempis's *The Imitation of Christ*. Not only did these movements, often originating as lay 'confraternities', seek a way of life to be led in common, though not always, strictly speaking, monastic;



Figure 35.4 The Pope as Antichrist, c.1500. Jena codex. Prague, Knihovna Národního muzea, MS IV B 24.

more than that, they sought that life within, not in opposition to, the hierarchical and sacramental structure of the Church. The Brethren of the Common Life provide the outstanding example of such a movement, while the Augustinian canons of the Windesheim congregation serve as a reminder that the older traditions of monastic life were also being renewed and reinvigorated. The period saw the spread, across

the spectrum of established religious orders, of an 'Observantine' impulse to recover the rigour of rules that had suffered inevitable relaxation over time (Oakley 1979: 100–13, 231–8; Post 1968).

If these aspects of late medieval religious history are to be properly related to the issues of authority and church government that are central here, it is important not to assume that advocates of reform and renovation were invariably cutting 'against the grain' of church policy. Bishops had an essential part to play, whether by passive allowance or by positive encouragement and leadership. Popes, likewise, could contribute to the process both by personal initiative and by means of emissaries sent out as, for example, Nicholas of Cusa was sent by Nicholas V in 1451–2 to visit and reform monastic communities in Germany and the Netherlands (Sullivan 1974). Episcopal action could be critically important: Niccolò Albergati as bishop of Bologna, Antoninus as archbishop of Florence illustrate the point (Hay 1977: 12–13, 53–7). On the other hand, local initiatives could acquire momentum independent of, and potentially on a collision course with, the authorities. An extreme and celebrated instance is provided by the activities of Girolamo Savonarola in Florence, where the confrontation ended with the reformer's execution as a heretic. That dramatic episode also serves as a reminder of the inescapable interplay of the spiritual and the temporal – of Church and State; for it was arguably Savonarola's politics rather than his religious doctrine that brought about his downfall (Weinstein 1970).

Savonarola's passionate puritanical preaching of moral and religious reform became increasingly associated with a millenarian vision of the role and destiny of the Florentine republic. In the world of political reality, the context of that vision was the invasion of Italy by Charles VIII of France in 1494: a moment once familiar as the textbook watershed between 'medieval' and 'modern' Europe. The political future (whether it was or was not by then distinctively 'modern') lay with the territorial monarchies, not with the Italian city-republics; and it is to the relationship between the Church and those monarchical states that the discussion here must finally turn – or *return*.

To say that the seamless garment of medieval Latin Christendom was, by the late fifteenth century, in tatters would be to exaggerate both in subject and in predicate. Yet to look back across the three centuries following Innocent III's death in 1216 is likely to yield the distinct impression that such seamlessness as there may once have been *was* giving way to a patchwork of increasingly 'national' allegiances. The popes might restore in Renaissance splendour the grandeur that had once been Rome. Alexander VI (1492–1503) might adjudicate on the partition of the New World (Muldoon 1979: 136–9) as well as adding new dimensions to the concept of nepotism, while Leo X (1513–21) preferred his anticipated 'enjoyment' of the Papacy to the urgencies of reform. Julius II (1503–13) certainly did much to rebuild the political and military strength of the papal state. Ultimately, however, the Papacy must now negotiate where it could no longer command. The Age of Concordats had come, and it was only in 1929 that the last concordat marked the final extinction of the pope's temporal power. When, in 1511, Pisa was again the city to which dissident cardinals, urged on by the king of France and the emperor, summoned a council, which proceeded to depose the pope, Julius II retorted by summoning the Fifth Lateran Council (1512–17). It was the belated fulfilment of an undertaking he had given when elected; and it proved to be at best a halting answer to renewed demands for

‘reform in head and members’ (Burns and Izbicki 1997: vii–xxii). A more significant response to the challenge of 1511 came in 1516, when a new French king and a new pope sealed the Concordat of Bologna (Knecht 1963). By then, no doubt, papalism and conciliarism in their medieval forms were both spent forces. But ‘Gallican liberties’ and their equivalents elsewhere, combined with and indeed dependent upon the acceptance by pope and bishops alike of substantial royal control over the Church, were to have a long future in the Europe of sovereign states.

NOTES

- 1 See Pennington 1988: 433–4 for the ‘classic definition’ of this distinction by Johannes Teutonicus, c.1216. The terminology derived from Pope Leo I in the mid-fifth century; for early medieval development see Robinson 1988: 282–90.
- 2 *Inferno* xix.52–3: ‘Are you already standing there, are you already standing there, Boniface?’ Cf. xxvii.85, where Boniface is ‘the prince of the new Pharisees’.
- 3 The classic account of this phenomenon is in Troeltsch 1932: i. 349ff.

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CHAPTER THIRTY-SIX

THE PAPAL CHANCERY

Avignon and beyond¹



Patrick Zutshi

The papal chancery in the twelfth and thirteenth centuries had a virtual monopoly of issuing documents in the name of the pope. In the fourteenth century and later it was no longer the sole body to perform this function, but it continued to be the main one. It was the largest and perhaps the most complex of the various departments within the Roman curia. To give an idea of the scale of the operation, the number of scribes (the officials responsible for engrossing papal documents) had risen to about 110 by 1310, when the pope, Clement V, sought to reduce the number (Tangl 1894: 82–3). It was also the department with the most contact with individuals and institutions outside the curia, for petitioners from all over Latin Christendom approached the chancery in order to obtain a wide variety of graces (for instance, privileges in favour of monasteries and other ecclesiastical institutions or provisions to ecclesiastical benefices) and for judicial business (mainly the appointment of judges delegate to hear cases outside the curia). The vast majority of papal documents were issued not on the initiative of the curia but in response to petitions (or supplications).

The chancery was thus more than an instrument or expression of papal authority. It provided services for ecclesiastics and, to a lesser extent, the laity. The beneficiaries of the documents issued by the chancery clearly placed a high value on the favours contained in them; otherwise they would not have gone to the trouble and expense necessary to obtain them. Travelling to the Roman court and residing there could even be dangerous. Honorius, prior of Christ Church, Canterbury, OSB, who was litigating against the archbishop of Canterbury at the curia in 1188, had to report the death during the summer of no fewer than five monks who were with him; he himself was to die later in the year. Another monk of Canterbury, Brother John, in the same year described the torments of crossing the Alps in writing to the sub-prior of Canterbury, Geoffrey: both his ink and his beard froze (Zutshi 2013: 216; cf. Brentano 1988: 13–14).

The growth in the activities of the chancery, which in the period from the twelfth century onwards was spectacular, was to a large extent a consequence of the increased demand from petitioners for its products. It also reflects the tendency of more and more business to become a papal monopoly, one of the most conspicuous examples of this being the increase in the number of sins whose absolution was reserved to the pope (Göller 1907–11: I, 1, 80–1; Cheney 1976: 66–70; Longère 1994).

In this chapter I intend to give a sketch of what appear to be the main elements in the development of the chancery from the late twelfth to the early fifteenth centuries. I will then seek to analyse in greater detail the distinctive contribution made by the Avignon papacy to the history of the institution. The final section briefly indicates some areas of research which remain to be done on the chancery at Avignon.

I

In the twelfth century, the papal chancery issued two kinds of document, privileges and letters. Privileges were the most elaborate type of document and were mainly issued in favour of monasteries, on which they bestowed permanent rights or whose rights they confirmed. For reasons which are not clear, this type of document all but died out in the following century.² Some letters also conferred favours on their addressees (they were known as letters of grace), while others provided rulings on points of law or appointed judges delegate (decretals, letters of justice). Many decretals have been preserved as copies in canonistic collections. From the pontificate of Alexander III onwards, decretals proliferated. The decretal collections prior to the *Compilatio prima* (completed c.1191) contain over 700 decretals from the twenty-two years of Alexander III's pontificate (1159–81) and only twenty from the fourteen years previously (that is, from Eugenius III to Adrian IV, 1145–59).³ There are far more decretals of Alexander III in the *Liber extra* (1234) than for all his predecessors put together (Friedberg 1879–81: II, cols xii–xvii). All privileges and most letters were letters patent; but certain letters were sent closed.⁴ The use of letters close ensured a greater degree of confidentiality, for they could be read only if they were opened by cutting the parchment or detaching the leaden seal.

While it is clear that the papal chancery in the twelfth century had the capacity to produce documents in large quantities (Hiestand 1999), unfortunately its procedures are rather poorly understood. One reason for this is that the original documents themselves are not particularly revealing of these procedures; another is that the series of registers of papal letters does not begin until 1198. It seems clear, however, that by the turn of the twelfth and thirteenth centuries, the chancery was unequal to the task of dealing with the rising tide of business. There were various abuses, notably the forgery of papal documents. It was the discovery of an atelier of forgers that prompted Innocent III in 1198 to promulgate new rules for petitioners and the chancery personnel; and he took other measures to reform the chancery. According to the *Gesta Innocentii III*, he removed the porters, or *ostiarii*, from the chambers of the chancery notaries, so that petitioners could have ready access to the latter; and he instituted fixed fees payable by petitioners to the scribes who engrossed papal documents and the *bullatores* who sealed them. The formation of a college of scribes, with its own internal organization and finances, appears to date from his pontificate. The earliest references to *abbreviatores* (the officers responsible for drafting papal documents) and to the *corrector litterarum apostolicarum* (who was responsible for checking them) are from the same period. The *audientia publica*, where letters (mainly letters of justice) were read out to give an opportunity to a party whose rights might be prejudiced by them to object to, or 'contradict' them, and the *audientia litterarum contradictarum*, the hearing following the contradiction, are first mentioned in 1205–6. For the first time, under Innocent III chancery

marks appear on papal documents. These annotations contain the names or initials of chancery personnel or reflect in some other way the internal processes followed by the chancery in issuing the documents. The scribe, for instance, signed on the turn-up, or *plica*, and letters which were registered received a large R on their dorse. The presence of chancery marks meant that at least some information was available within the curia about who was involved in the document's production – information which could be of value if it was suspected that a document was a forgery or that its issue was in some way irregular (Heckel 1937; Zutshi 2003a).

One area where Innocent III was less successful was his treatment of proctors. A proctor was anyone formally authorised to transact business on behalf of another. In the curia, proctors acted for their clients in various ways, most commonly in impe-trating papal documents in the chancery. Someone unable or unwilling to go to the curia in person might employ a proctor. The advantages to the petitioner, whether or not he was present in the curia in person, of employing a proctor who understood the procedures, circumstances and personalities of the curia are readily apparent. One type of proctor was sent by the petitioner to the curia for a limited period in order to obtain a particular papal document or documents. Another type was the proctor who was resident in the curia and acted for a wider range of clients. He was a professional or semi-professional figure. A third kind of proctor was also resident in the curia: the so-called general proctor of a religious order, who was normally a member of the order that he represented. General proctors were employed especially by the more centrally organized orders; for instance, the Cistercians, the mendicants and the military orders (Zutshi 2004). Proctors of the second type were already active under Innocent III; but this pope was suspicious of them. He associated them with forgery and other abuses, and tried to curtail their activities. Honorius III, who succeeded Innocent III in 1216, seems to have adopted a similar attitude towards them (Heckel 1924; Stelzer 1972; Zutshi 2004). The measures of Innocent and Honorius against proctors can have had little effect, for the services of the latter were too attractive and useful for the petitioners to abandon them. The resident proctor remained an essential element in the chancery throughout the period under discussion.

Proctors and their clients frequently sought to ingratiate themselves with the pope and the personnel of the curia, partly by gifts in cash or kind (see, e.g., Schrader 1907: 87*–89*). The support of one or more cardinals could be crucial in the success of a petitioner or litigant, and a chancery ordinance of Innocent III stated that it was permitted to anyone to have an intercessor, 'especially a cardinal' (Tangl 1894: 54, no. 8). It is not surprising to find lists of cardinals among the extensive records of the city of Hamburg concerning its litigation at the curia against the cathedral chapter of Hamburg from 1336 to 1359 as well as requests from the proctors for the city to write to cardinals who were well disposed towards it (e.g., Salomon 1968: 173–5). One list specifies which cardinals were favourably or unfavourably disposed towards the city (Schrader 1907: 89*–90*).

The thirteenth century saw a further increase in the business dealt with by the chancery and further changes in its organization. Thus, the powers of the head of the chancery, the vicechancellor, grew in various ways at the expense of those of the papal notaries. The notaries also lost their role of presenting petitions to the pope – a highly influential one, which had brought them into close contact with him. A new officer, the *referendarius*, took over this responsibility during the pontificate

of Boniface VIII (1294–1303) (Katterbach 1931: pp. xi–xiii, xix). Yet there is no evidence of any programme of reform comparable in scale to that initiated by Innocent III early in the century. The situation at the turn of the thirteenth and fourteenth centuries perhaps mirrored that one hundred years earlier, with a chancery ill-equipped to cope with the demands being placed upon it.

The first two popes who made Avignon their residence, John XXII (1316–34) and Benedict XII (1334–42), sought to address this problem. In order to understand the results of their efforts, it is necessary to distinguish between three types of papal letters:

The arrangements concerning *letters of justice*, which were mainly routine appointments of judges delegate to hear cases outside the curia, did not change greatly. They were the responsibility of the notaries and the *abbreviatores* in their employment, the main role of the latter being to prepare the drafts (that is, to compose the texts) of the letters. The petitions for these letters were approved not by the pope but by the head of the chancery, the vicechancellor (after the time of Innocent III there was no chancellor). The procedure for issuing letters of justice was a simplified one. The reason for this is that most of these letters merely initiated judicial proceedings, rather than conferring rights on their beneficiaries. The notaries likewise continued to supervise the issue of letters of provision for bishops and heads of religious houses, known as *littere de provisionibus prelatorum* (Bresslau 1912–31: II, 294–6; Schwarz 1972: 102–11; Zutshi 1998: 671–2).

In the case of *letters of grace*, the procedure became more elaborate with the introduction of further controls (Hayez, Mathieu and Yvan 1990; Rabikauskas 1990). John XXII removed them completely from the supervision of the notaries. This meant the continued decline of the notaries' functions in the chancery, which is already evident in the second half of the thirteenth century. During John's pontificate, it became normal for letters of grace, together with the mandates which implemented the graces, often called *littere executorie*, to be registered. This was a significant change from the more haphazard techniques of registration which prevailed earlier (Zutshi 2015). There is also evidence of the registration of petitions for graces under John XXII and Benedict XII, although registers of petitions do not actually survive from before the pontificate of Clement VI: the series begins in 1342 (Kehr 1887; Zutshi 2003b). What gives these registers special value is that they recorded the precise words of the pope's response to the petitions, but as a rule only petitions that he approved were registered.

The first and second categories are what modern scholars call *common letters*, that is, letters issued at the request, and at the expense, of their beneficiaries. The third and final category consists of letters issued on the initiative of the pope and his government rather than in response to petitions, and they are known as *curial letters*. They contained the pope's diplomatic, political and administrative correspondence, including letters to secular rulers or concerning the government of the Papal State. Following a breach of confidence in the chancery, Benedict XII removed curial letters from the notaries' control and entrusted them to secretaries. The latter were not chancery officials; rather they were members of the pope's entourage who enjoyed his special confidence, although they often combined a chancery office with that of secretary (Göller 1903: 298–315; Göller 1904: 42–53; Göller 1907; Bock 1938–9; Opitz 1938–9; Opitz 1944). The change is especially noteworthy because it meant the end of the chancery's responsibility for curial letters, although the scribes

of the chancery continued to engross them. This in turn meant the end of the monopoly that the chancery had hitherto enjoyed in the production of papal letters.

The effect of the reforms of John XXII and Benedict XII was to introduce greater differentiation into the treatment of papal letters, but within each category greater regularity and consistency are now evident.

When Gregory XI moved the papal curia back to Rome in 1376, he left at Avignon the vicechancellor, Pierre de Monteruc, and a substantial portion of the papal archives. Following the rebellion against Urban VI by his cardinals soon after his election in 1378, most of the curial personnel seem to have followed the cardinals in deserting the pope. The outbreak of the Great Schism, which was to last until 1417, led to the re-establishment of a curia at Avignon by Urban's rival, Clement VII, and it was possible to maintain there a considerable degree of continuity with the chancery of the earlier Avignon popes. The same did not apply in the Roman obedience during the Schism. The curia of Urban VI and above all that of his successor, Boniface IX, saw a number of significant changes in the production of papal letters (Zutshi 2012). The most conspicuous of these is no doubt the emergence of a new type of letter, which makes its first appearance under Boniface IX (1389–1404): the brief (*breve*). It was written on a narrow strip of parchment and sealed with the pope's private seal. It was used initially for administrative, and then also for political, correspondence (Fink 1933–4; Fink 1935; Fink 1971; Battelli 1965: no. 28). Other changes evident under Boniface IX include a widening of the activities of the secretaries, who became more and more involved in the issue of letters of grace; a sharp rise in certain fees payable by the petitioners; and the sale of chancery offices, which assisted the process of their becoming sinecures. Boniface IX attempted to deal with the disorder created by the secretaries' involvement with letters of grace: a constitution of 1402, which appears to be directed against such letters, declared that any issued in future would be null and void.⁵ What effect this constitution had remains to be investigated.

At the Council of Pisa, summoned to put an end to the Schism and widely supported, Alexander V was elected pope (1409). He and his successor, John XXIII (1410–15), took over the arrangements of the Roman popes for issuing letters, which were in turn to a large extent adopted under Martin V after the re-establishment of the unity of the Latin Church in 1417. Martin seems to have aspired to return to the administrative practices of the Avignon popes prior to the Schism, but his attempted reforms of the papal chancery did not enjoy lasting success (Hofmann 1914: I, 11–16). Thus, the sale of office, far from being abolished, became a significant element in papal finances (Hofmann 1914: I, ch. 4; Schwarz 1983; Schwarz 1985). The Renaissance popes created new offices, so that they could profit from the proceeds of their sale. Pius II, for instance, in 1463 created a new college of seventy *abbreviatores*, although admittedly his successor had to revoke this foundation in response to protests from former *abbreviatores* whose rights had been infringed by the new arrangements (Hofmann 1914: I, 122–6).

II

The distinctive contribution of the fourteenth-century papacy to the development of the papal chancery seems to merit more detailed attention than it has generally received. The establishment of the papal curia at Avignon provided what had

previously been an itinerant government with a stable and relatively secure home. This allowed the institutions of papal government to grow, and it encouraged the centralising tendencies which were well described in the pioneering work of Guillaume Mollat (Mollat 1965). None the less, historians and diplomatists run the risk of portraying the chancery in excessively bureaucratic terms. Thus, it seems that relatively few of its functions took place in officially designated accommodation in the Palais des Papes. No doubt one of the main centres of activity was the vicechancellor's own house, and it is likely that the scribes engrossed papal letters at home (Schwarz 1972: 67–70).

The fourteenth century saw a dramatic increase in the number of papal letters issued in favour of individuals. The largest category of such letters was provisions to ecclesiastical benefices. It became an established practice for clerks who did not already hold an adequate benefice, known as poor clerks, to flock to the curia at the beginning of a pontificate in order to petition for one from the new pope (Meyer 1990). They were especially numerous at the accession of Clement VI (1342). There were also spiritual favours; for instance, licences to the clergy and the laity to choose a private confessor who could grant them a plenary indulgence at the point of death, licences to have a portable altar, or licences to celebrate mass, or have it celebrated, before daybreak. That the chancery was able to deal effectively with this vast quantity of business was in large measure due to the re-organization that it underwent in the first half of the century. The key pontificate here is that of John XXII. His constitutions of 1331, *Pater familias* and *Qui exacti temporis*, were intended to reform the procedures of the chancery, on the one hand, and the *audientia publica* and the *audientia litterarum contradictarum*, on the other (Tangl 1894: 91–115). The new arrangements that were introduced are reflected in the oaths of several officials of the chancery, which post-date these constitutions.⁶ The evidence suggests that the reforms of John XXII did not remain a dead letter; nor did they merely codify existing practices (Herde 1967: 150). It can be argued that John's pontificate, like that of Innocent III, saw the beginning of a new era in the history of the papal chancery.

John XXII, however, was not the only pope who made notable reforms. This also applies to his immediate predecessor, Clement V, and above all to his immediate successor, Benedict XII. In the past, the role of Clement V (1305–14) in particular has not been sufficiently appreciated. It seems, for instance, that the double registration of papal letters (with provisional registers written on paper and fair copies on parchment) originated in his pontificate, as did the practice of the pope signing petitions that he wished to approve with *Fiat* followed by his initial (Zutshi 2015: 238–40; Linehan and Zutshi 2007). In the fourteenth century, the popes personally approved and signed the petitions for graces. But the practice of reading before the pope the letters issued in response to these petitions at the stage of the draft and the engrossment, for which there is some evidence in the thirteenth century, was dying out. John XXII and Benedict XII attempted to revive it, but in this they appear to have unsuccessful (Bresslau 1912–31: II, 104). Hearing and signing countless petitions was doubtless a sufficient burden for the pope without the additional burden of having the drafts and engrossments read to him. Perhaps one can detect an element of lassitude in Benedict XII's refusal to hear petitions in 1338. Heinrich Bucgland, proctor of the city of Hamburg, complained the Benedict had not signed any petitions between Easter and July of that year, causing some men to depart from the

curia with empty hands (Salomon 1968: 17, 20, cf. 278). To modern eyes, it may seem strange that the pope spent a substantial portion of his time attending to petitions, many of them dealing with fairly trivial matters. However, it would not have done so to contemporaries, for dispensing justice and grace was an essential function of the pope, just as much as of other medieval rulers.

The chancery functioned in close relation to the other principal departments of papal government. The picture that emerges is a complex one and calls to mind Petrarch's reference to the 'inextricable labyrinth of the curia'.⁷

(1) Finances were the responsibility of the apostolic chamber under the chamberlain. At Avignon the chamber's powers widened. It maintained two series of registers of papal letters (mainly curial letters). All curial letters were described as 'letters which passed through the chamber' ('*littere que per cameram transiverunt*', or a similar expression). The interpretation of this phrase is problematic, for these letters were the responsibility of secretaries, who, as far as is known, were officers of neither the chancery nor the chamber. It is possible that *camera* in this context refers not to the apostolic chamber but to the pope's private chamber, known as the *camera secreta* (cf. Frenz 2000: §§ 73, 134).

(2) The papal penitentiary granted absolution in cases reserved to the pope or delegated investigation of cases to executors *in partibus*. It had its own college of scribes and issued letters in the name of its head, the cardinal penitentiary. The latter approved petitions and issued letters in response to them in much the same way as the pope did. Indeed many of the graces that the cardinal penitentiary issued – for instance, dispensations for marriage within the prohibited degrees – were also obtainable from the chancery. This meant that the petitioner or his proctor had a degree of choice whether to apply to one department or the other. In the fifteenth century, if not earlier, the fees payable in the penitentiary were lower than those in the chancery.

(3) We have noted the existence of two tribunals within the papal chancery, the *audientia publica* and the *audientia litterarum contradictarum*. But the principal court of law was the *audientia causarum palatii apostolici*, more commonly called the Rota. It was not part of the chancery but closely connected to it. The Rota's judgements might be enshrined in letters emanating from the chancery, and litigants in the Rota often needed to obtain papal letters appointing judges *in partibus* through the *audientia publica*. It could be advantageous for a client to employ the same man as a proctor in the *audientia publica* and the Rota, and the practice is well documented (e.g., Sheppard 1887–9: II, 449; Salomon 1968: 5, 8, 24–5). Proctors represented their clients in all the curial departments mentioned above, and it was indeed common for them to be active in more than one of them.⁸

The dissolution of the arrangements for issuing papal documents established by John XXII and Benedict XII began already in the middle of the fourteenth century. One way in which this occurred was through the role of secretaries in the issue of letters of grace. While the primary responsibility of the secretaries was the supervision of the curial correspondence, including political correspondence with secular rulers, they were also involved in the issue of certain letters in common form and of letters of grace which displayed irregularities. The latter could not be issued through the chancery, which was subject to fairly strict rules about the types of letters that it could produce. This means that the secretaries were now responsible for letters

which in earlier days would probably not have been produced at all. Under Innocent VI (1352–62) the provision of such letters through the secretaries seems to have been well established. During the pontificate of Urban V (1362–70), we find that the scribes were allowed to employ substitutes, a sign that it was now easier to use the office of scribe as a sinecure (Tangl 1894: 127; cf. Schwarz 1972: 56). Further evidence of changes in the functioning of the chancery comes under Gregory XI (1370–8). He was in some respects a lenient pope, relaxing the injunctions of Urban V regarding the examination of poor clerks and the removal from office of disobedient scribes (Ottenthal 1888: 34, nos. 54–54a; Tangl 1894: 126–8). Moreover, certain annotations which occur on original papal letters of the period of the Schism and which suggest irregular practices occur for the first time under Gregory XI.

There are a number of possible explanations for the changes which are evident after the mid-fourteenth century; for instance, the different temperament of the popes and the deterioration in papal finances. Financial problems were particularly acute under Gregory XI, largely as a result of his war with the Florentines (see especially Williman 2009). Yet it would be misleading to regard Gregory's pontificate as a turning point in the history of the papal chancery. What one finds then is rather an anticipation of some of the major changes which were brought about by the Great Schism.

The Schism, with Latin Christendom divided between two, and from 1409 three, obediences, caused a corresponding decrease in the resources of each line of popes. At the same time, the burden of papal office increased considerably: in addition to his traditional responsibilities, each pope had to combat the rival pope or popes. As W. von Hofmann argued over a century ago, the papacy and its machinery of government never really recovered from the difficulties created during the Schism (Hofmann 1914: I, 1–17); and the papal chancery was no exception to this. There can be little doubt that the Avignonese chancery would have had a more enduring legacy had it not been for the Great Schism.

III

If one considers the research which remains to be accomplished on the papal chancery at Avignon, one must first of all bear in mind that the archival sources for the Avignon papacy, including the papal chancery, are copious in comparison with those for earlier periods. The sheer bulk of the records surviving in the Vatican Archives has meant that their publication represents a Herculean task. Substantial portions of the various series of registers of letters of the Avignon popes remain unpublished, for instance, the common letters of Clement VI and Innocent VI, covering the years 1342–62. The position is still more unsatisfactory with the registers of petitions granted by the pope (the *Registra Supplicationum*), for only a small proportion of these petitions is available in print. The financial accounts of the apostolic chamber, which are a major source for the various departments of the curia, are likewise partially unpublished.⁹

We are fortunate to possess for the fourteenth century correspondence between proctors in the curia and their clients, both isolated letters and whole series of them. Two substantial examples of the latter are the correspondence of Canterbury Cathedral priory and of the city of Hamburg (Sheppard 1887–9; Salomon 1968). Although

such letters are often very allusive and difficult to interpret, they are potentially a valuable source concerning the functioning of the papal chancery as well as everyday life in the curia. If they were evaluated with this purpose in mind, they could supplement in a significant way the normative sources, such as papal constitutions, chancery rules and oaths of office-holders. Mention should also be made in this context of what appears to be a unique source, the register of Andrea Sapiti, proctor of the king of England in the curia in the early fourteenth century.¹⁰ This illustrates many aspects of the proctor's work, for instance, the composition and revision of petitions, with a view to improving the chances of their being approved (Bombi 2005). It was common for rulers to retain a standing proctor in their service, although the weightier diplomatic business tended to be transacted through men of higher rank, that is, ambassadors sent to the curia from the court of the ruler. Similarly prelates who had extensive business at the curia might employ a resident proctor to represent their interests there.

The sources in the Vatican Archives, on the other hand, could form the basis of a remarkably comprehensive prosopographical study of the personnel of the papal chancery at Avignon, similar in scope to Gerd Nüske's dissertation devoted to the second half of the thirteenth century (Nüske 1974–5; see also Barbiche 1970). The registers of papal letters which are held in this repository give details of the ecclesiastical benefices conferred on curialists and of other favours that they received from the pope. Such a study would need to make use of papal letters surviving in the original, for these letters display an increasing number of chancery marks containing the names or initials of chancery and curial personnel from the vicechancellor down, for instance, scribes, *abbreviatores*, notaries and *registratores* (see Zutshi 1990: lxxv–lxxix).

It is remarkable that the most complete and reliable account of the papal chancery at Avignon remains the relevant sections of the second edition of Harry Bresslau's *Handbuch der Urkundenlehre* (Bresslau 1912–31). This is a work of the highest quality, but it is almost a century old. Even though Brigide Schwarz's important study of the colleges of scribes places its main emphasis on the fourteenth century (Schwarz 1972; see also Schwarz 1974), there is no study of the chancery at Avignon comparable to the works on the earlier and later periods by Peter Herde, W. von Hofmann and Thomas Frenz (Herde 1967; Hofmann 1914; Frenz 1986). This is doubtless the most conspicuous lacuna in scholarship.

NOTES

- 1 This chapter is an English version, considerably revised and expanded, of a paper given at the conference *L'Europe avignonnaise, XII^e–XV^e siècle* (University of Avignon, 27 and 28 April 2005) under the title 'La chancellerie pontificale et ses nouveaux pratiques, XII^e–XIV^e siècle'.

The principal treatment of the papal chancery during the period discussed here (mid-twelfth to early fifteenth centuries) is Bresslau 1912–31. Other works which should be consulted include Herde 1967; Herde 1970; Baumgarten 1907; Baumgarten 1908; Bock 1941; Schwarz 1972; Guillemain 1962; Hofmann 1914; Rabikauskas 1980; Frenz 2000. For surveys of scholarship see Cheney 1982 and Meyer 2015. Poncet 2003 provides an almost exhaustive bibliography of the printed sources to 2000. For the study of the chancery, apart from the registers of papal letters published by the *Ecole française de Rome*, two editions are of particular importance: Ottenthal 1888; Tangl 1894.

- 2 Ullmann 1964 discusses this question.

- 3 Holtzmann 1945: 34. There are in addition eighteen decretals which may be assigned to either Alexander III or Lucius III.

- 4 For a list of letters close 1120–1303, see Maleczek 2015.
- 5 Ottenthal 1888: 73–4, no. 67. In the chancery rules which follow this one, the pope annulled a large number of other types of letters that he himself had issued.
- 6 The edition of these oaths by Schwarz 1972: 243–57 largely supercedes that in Part II of Tangl 1894.
- 7 Petrarca 1933–42: III, 112: ‘... inextricabilem curie labyrinthum’.
- 8 This is apparent from Berthe’s detailed prosopographical study of proctors for French petitioners: Berthe 2014.
- 9 For further details, see the recent survey by Weiss 2002. The chamber sources published by Jamme 2014 contain many references to chancery personnel.
- 10 Now published by Bombi 2007. See also Bombi 2003. The formulary of another proctor, Heinrich Bucglant, is different in character: Schwalm 1910.

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PART-IV

ELITES, ORGANISATIONS AND GROUPS

INTRODUCTION

Structures, mental and governmental, provided the frameworks in which medieval people thought and lived. But the best way to see them in action is to focus on groups and associations. The Middle Ages were indeed a heyday for such collectivities, whether or not they were legally labelled as privileged, meaning, literally, ‘with a private law’. Some were in principle voluntary, such as a confraternity devoted to a saint’s cult; but most overlapped with, or were embedded in, preexisting groups of other kinds. Viewed horizontally, most people, whether their legal status was free or unfree, could be seen as families or kindreds, or those living in the same neighbourhood; viewed vertically, they were often men and women under a common lordship or ecclesiastical administration. Villages and parishes were simultaneously both types of association, horizontal and vertical. Many peasants lived and worked as discrete nuclear families, which is how they were listed by their lords’ estate-managers; but, at the same time, as farmers of contingent areas, with important decisions, such as the leaving fallow of certain land, collectively observed and seasonal working-practices, especially harvesting, collectively allocated and timed; and also as tenants of the same, or contingent, landlords, to whom they owed dues and labour-services, and to whose court they had to come to be tried and judged if they were accused of crime. Custom ruled the lives of the legally free and unfree unlike. Yet chattel slavery, relatively unimportant in the early medieval centuries, had largely been abandoned in most of western Europe by c.1000. However heavy were their customary burdens, peasants, once their dues had been handed over and services done, could work on their own account, keep their surplus produce and sell in markets, in little family firms or in *consortia*, and they could form associations called *gilds* for mutual insurance and help against such scourges as fire or storm. In towns, production was carried on by family businesses, but groups, again often known as gilds, coordinated the marketing of products and services. Of course, some were more equal than others, and just as within villages richer farmers had a larger say in decisions about fallow-lands, so in towns, rich merchants dominated gilds. Nevertheless, in town and countryside alike, groups embraced richer and poorer.

Consolidated by common religious practices, such as the cults of the saints of village or town (or urban quarter), and the performance of mourning-rites at each others' funerals paid for by members' dues, medieval groups formed primarily for economic purposes exuded strong social and cultural cement.

Of the professional groups that had characterised the Roman Empire, and which thrived again in the medieval world from the twelfth century onwards, lawyers left the most conspicuous evidence of their activities in the form of legal documents, and were perhaps the most successful in inserting themselves into favourable urban niches. The legal culture of the Middle Ages exerted a powerful influence even after the Middle Ages were, in the estimation of many, otherwise to be looked back upon. It is no coincidence that Part IV begins and ends with chapters on, or including, lawyers. Priests can be seen as forming another kind of privileged professional group. They formed an elite of a kind: the ideology of orders and estates ranked clergy collectively top – closest to God. Yet the experience of priests on the ground could tell another story. Their livings in the ecclesiastical sense were assigned by the Church authorities in collaboration with local lay notables; but a worm's eye view would situate them within the local communities on whom they depended, in practice, for their livings in the economic sense. Again, the documentation is rich, and it throws an often kindly light, but sometimes a lurid one, on the lived realities of medieval life. Monasteries, whose origins lay in individuals' desires to escape the snares of the secular world, were thus in principle voluntary groups with strongly institution-alised internal bonds. In practice, they were mostly in very close touch with, even part of, the secular world during the medieval centuries, seldom immune from the demands of kinship and lordship, and the urgent needs of the poor. Meeting such demands and needs could be seen, though, from another angle, as fulfilling obligations to Christian service. A flourishing later-medieval vein of anti-clerical feeling was reflected in occasional violent attacks, not only by heretics, on clergy and monks, and also in humour that can still evoke a smile. Cynicism, however, would be out of order in any discussion of the medieval Church.

The Middle Ages begin with clever fourth-century lawyers trimming their skills so as to tap the rich pickings of disputes involving the newly official Christian Church, and end with nobles clustering round royal and princely courts, eagerly adopting new styles and manners, and setting the tone for *nouveaux riches* imitators. Courtly culture shaped, and was shaped by, elites with ambition and adaptability. It was international in substance and in form. It was European. It was a culture whose late-medieval manifestation contained much – not least its Latinity, its litigiousness and legalism, its elite's concern to define and legitimise itself by reference to nobility in moral, self-disciplining, as well as biological, self-reproducing, senses, its taste for the exotic, its passion for religious ceremony and symbolism, its combining of sharp gender divisions with strong forms of cultural cooperation between the sexes – that would have been quite congenial to the denizens of courts at any period from the fourth century to the fifteenth. Courts and the elites drawn to them were far from being the whole story, yet they were a key feature of the medieval world. Did the later Middle Ages see that world on the wane? Not on the showing of the final chapters of Part IV, nor indeed of the rest of this book.

CHAPTER THIRTY-SEVEN

A NEW LEGAL COSMOS

Late Roman lawyers and the early medieval church



Caroline Humfress

Nor do We permit them [sc. heretics] to be enrolled amongst the most expert advocates, who above all others ought to have a proper understanding of the divine decrees, since they spend their life immersed in [the interpretation of] words (*logoi*).¹

(Justinian, *Codex Repetitae Praelectionis* 1.5.12, 8)

Sometime between the accession of Justinian on 1 April 527 and the death of his co-emperor, Justin, four months later, the two emperors jointly promulgated an imperial edict intended to increase the ‘safety, honour and good name’ of orthodox members of the holy Catholic Church (Justinian, *Codex* 1.5.12, referred back to – and extended by – Justinian *Codex* 1.5.18 [probably 529] and Justinian *Novel* 109pr. [541]).² Alongside a general threat that all those who did not worship God correctly would be deprived of ‘even’ their earthly goods (section 5) and a detailed set of practical measures dealing with various legal scenarios that might arise in families where one or more parents were not orthodox Christians (sections 18–20), Justin and Justinian’s 527 enactment was concerned with removing heretics, especially ‘the execrable Manichaeans’, as well as Pagans, Jews and Samaritans, who had infiltrated imperial bureaucratic and military offices (sections 1 and 6–16). In referring to heretics as polluting and contagious (sections 2, 3 and 10) the drafter of the 527 constitution appealed to an age-old Roman rhetoric of exclusion that had first been (officially) used against Manichees over two hundred and twenty years earlier, before the accession of Constantine as the first Christian emperor (Diocletian, ‘Rescript Against the Manichees’ (*Collatio* 15.3), probably issued in 302; see further Escribano Pano 2009: 46–51 and Section III below). Working in the imperial capital of Constantinople, in the politically and theologically charged aftermath of the fourth ecumenical Council of Chalcedon (451) and its Christological debates, the drafter of the 527 constitution also voiced a new, practical, concern: if heretics, pagans, Jews and Samaritans were allowed to occupy any office of imperial dignity they would use that power to injure the interests of Orthodox Christians.³

In 409 the (Western) emperor Honorius had ordered that candidates for the imperial office of Defender of the City (*defensor civitatis*) could only be selected from baptized Catholics (Justinian, *Codex* 1.5.8, see also Justinian, *Codex* 1.4.19, 505); our 527 constitution adds the explanation that defenders of the cities cannot be heretics because they would thereby seem to acquire the power to judge and condemn Orthodox Christians, including Orthodox bishops (section 7). In 410 the (Eastern) emperor Theodosius II had barred heretics from imperial service, with the exception of those who filled the low-ranking office of provincial apparitor (*cohortalis*); our 527 constitution adds the new measure that heretical, pagan, Jewish or Samaritan *cohortales* must be prevented from acting as enforcement officers in any legal cases, public or private, against Orthodox Christians (section 6). The legislative rhetoric of Justin and Justinian's 527 constitution places it within a long tradition of Roman measures defining and policing 'religious' deviancy. Its determination to protect the 'orthodox' from the religious 'other', however, looks forward to the Middle Ages and beyond – to 'whenever and wherever fear shapes public space' (Shafak 2016).

As section 11 of Justin and Justinian's 527 constitution explicitly states, the exclusion of heretics, pagans, Jews and Samaritans from imperial bureaucratic positions was not all new. In 395 the imperial official in charge of the emperor's bureaucratic offices in Constantinople was ordered to investigate whether there were any heretics (specifically Eunomians) in imperial service; if found, they were to be removed and exiled from the city (*Codex Theodosianus* 16.5.29 and 16.5.25).⁴ In 404 the Western Emperor Honorius excluded (some) Jews and Samaritans from imperial service (*Codex Theodosianus* 16.8.16). The Eastern emperor Theodosius II legislated more widely, excluding heretics and pagans from a number of positions within the imperial *militia* (*Codex Theodosianus* 16.8.16, 404; 16.5.48, 410; 16.10.21, 416; and 16.5.65, 3, 428). Some 'heretics' seem to have attempted to turn this legislation to their advantage. In 410 Theodosius II ruled that decurions – individuals bound to the hereditary (civic) status of *curiales* – were not to be relieved of their obligations if they were found to be heretics. In 438 Theodosius restated this rule, clarifying that decurions who presented themselves as heretics did not thereby secure a release from their onerous financial burdens (Theodosius II, *Novel* 3.6, excerpted at Justinian, *Codex* 1.5.7). The first law, however, to require that (certain) imperial certificates of appointment had to include a statement of orthodox baptism dates to the second half of the fifth century, to the post-Chalcedonian age of the Leonid imperial dynasty (457–518).

In 468, just eight years before the deposition of the last Roman emperor of the West, the Eastern emperor Leo I issued a constitution addressed to his Praetorian Prefect, Nicostratus, ordering that no one should be admitted to a corporate body of advocates and attached to an imperial bureaucratic court unless they had first been 'initiated into the mysteries of the Holy Catholic Church' (Justinian, *Codex* 1.4.15, repeated at 2.6.8). In addition to documenting a required period of legal training (an innovation also introduced by Leo I: Justinian, *Codex* 2.7.11, 460), the official certificates of appointment for all advocates stationed at (Eastern) imperial courts now had to state that they were baptized Catholic Christians.⁵ Once again, Justin and Justinian's 527 constitution goes further. Having restated Leo's 468 requirement, the 527 text adds the explanation that skilled advocates should be expected to have a proper understanding of divine decrees – with a deliberate play here on 'divine' as referring to both God and emperor – precisely *because* they spend their lives interpreting (legal)

pronouncements (Justinian, *Codex* 1.5.12, 8, quoted above). According to the drafter of the 527 constitution heretical advocates were, by definition, incompetent advocates: they had failed to understand the divine word(s) correctly.

The idea that a knowledge of Roman legal techniques would lead to a correct understanding of Christian Scripture, and thence to orthodox belief and practice, belongs to the age of Justinian (527–565). It was also specific to the Eastern Roman Empire (centred on the capital of Constantinople, but encompassing Asia Minor, the Levant, the Eastern Balkans and beyond). In the West: ‘The eclipse of imperial authority . . . during the fifth century created new conditions for its churches and demanded new definitions of their relation to the emperor . . . The reunion of the western provinces with Constantinople during Justinian’s reign highlighted and even reinforced these differences’ (Sotinel 2005: 267; for a concrete example see Cooper 2016). The imperial constitution that ordered the compilation of Justinian’s *Digest* in 530 states that the authority of law sets both divine and human affairs in good order (*Const. deo auctore* 6 = Justinian, *Codex* 1.17.1.1; further discussion in Humfress 2016). Having already claimed the right to act as the sole maker and interpreter of Roman law (Justinian, *Codex* 1.1.4.12, 529; also Justinian, *Novel* 105.2.4, 537), Justinian also claimed the right to make and interpret Christian scripture (Justinian, *Novel* 131.1 (545), issued during the Three Chapters controversy; see further Chazelle and Cubitt 2007).

Modern scholarship on law in the age of Justinian has tended to focus upon the Emperor himself (‘autocrat’ and/or ‘caesaropapist’; Dagron 2003 and Kaldellis 2015, the latter critiquing the idea of Byzantium as a ‘rigid imperial theocracy’), his legal officials (especially Tribonian, John Lydus, Junillus Africanus; Honoré 1978, Maas 2003 and Maas 1992) and his legal texts (the *Codex Repetitae Praelectionis*, 534; the *Digest* and the *Institutes*, 533; and the Justinianic *Novels* or ‘new laws’ that post-dated the codified collections; Humfress 2005). As we have already seen, however, Justinian’s legal reforms should be placed within the framework of a much broader shift in what present-day lawyers and legal historians would term ‘legal culture’: ‘those values and attitudes in society that determine what structures are used and why; which rules work and which do not, and why’ (Friedman 1969: 35). In the heavily classicizing and anonymous sixth-century work known today as the *Dialogue on Political Science*, two interlocutors – possibly to be identified with Menas, Urban prefect of Constantinople and Praetorian Prefect of the East from 528–9, and Thomas, a *Quaestor of the Sacred Palace* in the late 520s (the highest legal minister within Justinian’s bureaucracy) – critique Justinian’s regime by constructing an ideal *politeia* in words. In the course of book five, Menas explains to Thomas that ‘Imperial rule . . . is concerned with affairs of state. It has as its goal, the well-being of the state in accordance with justice. Its completion consists in putting this into practice with the benefit which necessarily follows from this: the salvation of men’. Menas continues, ‘There is no one, I think, who could doubt this’. To which Thomas replies, ‘Absolutely no one, at any rate, who had any understanding of culture (*paideia*)’ (‘Dialogue on Political Science’, 5.14, trans. Bell 2009: 148). According to the author of our sixth-century dialogue, imperial rule – in the sense of legitimate political practice, just administration of the law, and the salvation of men’s souls – was to be understood within the context of a much broader set of elite, cultural, Constantinopolitan values.

The formation of an imperial, Christian and Roman, legal culture in the sixth-century Roman East was not limited to legislative ideology or elite works of political theory, it also brought about concrete changes to legal and bureaucratic practices. An imperial constitution from 530, for example, orders that a physical copy of the Holy Scriptures (*scripturae sacrosanctae*) must be placed before all judges (and arbitrators) who hear cases according to Roman law, whether in the City of Constantinople or in any other place across the Empire (Justinian, *Codex* 3.1.14). Simply by looking upon the Holy Scriptures, the presiding judge would be consecrated by the presence of God and aided by a higher power: ‘knowing that they judge others no more than they are judged themselves’ (Justinian, *Codex* 3.1.14, 2 trans. Frier: 615). The threat of God’s (eschatological) judgment also appears in papyrological reports of Justinianic courtroom proceedings.⁶ As we have already seen, Justinian ordered that all legal officials – from those employed in the central Palatine ministries down to provincial judges, advocates and other court officers – had to be baptised orthodox Catholics. This ‘imagined community’ also provided the institutional touchstone for Justinianic reforms to judicial oath-swearing. Justinian’s *Novel* 8, addressed to the Praetorian Prefect John (‘the Cappadocian’) and issued in 545 as the first in a series of imperial constitutions to reform provincial government, included the text of a new oath of loyalty to be sworn by provincial governors at their investiture ceremonies. This new formula ends with ‘an imprecation that if [a Provincial Governor] should violate his oath he would experience the fate of Judas and the leprosy of Gehazi and the trembling of Cain’ (Pazdernik 2009: 152, also citing Procopius’ reference to the oath and curse at *Secret History* 21.16–19). As Pazdernik states, ‘Justinian’s *Novel* 8 appears to be the earliest attested instance in which the so-called “Judas curse”, that would go on to exercise a considerable influence over the imagination of both the Byzantine east and the medieval west, appears in an official document’ (Pazdernik 2009: 152). Constantine may have been the first Roman emperor to be baptised a Christian, but Justinian was the first Roman emperor to envision a new, Christianized, Roman legal cosmos (Humfress 2005; on earlier, fifth-century, developments see Humfress 2014 and Humfress 2016, in addition to the discussion below).

Over the last two decades, ‘late’ or ‘post-classical’ Roman law (broadly third to seventh centuries, including the recently defined era of ‘epiclassical’ Roman law from c.235–c.300 to the era of Justinian) has become established as a field of legal and historical research in its own right (Humfress 2013a for bibliography). Recent scholarship has focused on the relationship between imperial power and Christian belief during this postclassical period, especially in relation to Constantine (Harries 2010 and Dillon 2012) and Theodosius II (Millar 2006).⁷ There have also been important new studies of late Roman, Byzantine and early medieval ecclesiastical (‘canon’) law (Wagschal 2015; Humfress forthcoming for bibliography), and research that, either implicitly or explicitly, challenges the existing frameworks of Christian ‘triumphalism’ and late Antique ‘transformation’ by focusing on the multiple and diverse ways that Christians talked and argued about Christian law within this period (Van Nuffelen 2016; Doerfler 2013; López 2013; Layton 2007). Christian ecclesiastics, monks and ascetics were not – of course – only writers of texts; they were also, to varying extents, ‘doers’ of Roman law (Humfress 2015: 109).

Before Constantine, Christian clerics owned property (including land and slaves), paid taxes, some inherited as heirs, some married and divorced, some engaged in

business and trade etc. One reason why Roman law appears in early Christian writings is because early Christian writers used Roman law and Roman legal institutions in everyday contexts. As we shall see in Section 1 ('A New Legal Cosmos?') below, Constantine did not legalise Christianity. Nonetheless, the extensive imperial support and patronage that he granted to (Catholic) churches and clerics, alongside other groups and individuals, opened up the Roman legal arena to Christians – acting *as* Christians – to an extent that was unimaginable before the fourth century. In Section II ('A New Legal Cosmos?') we will focus on one specific example: the imperial grant of permanent 'defenders' (advocates) to Christian churches, made in response to a planned and co-ordinated initiative from a group of early fifth-century North African ecclesiastics. In Section III ('A New Legal Cosmos?'), we will turn briefly to late Roman imperial law and its cosmological context.

I. A NEW LEGAL COSMOS?

You may expel Grand Narratives with a pitchfork but they will always return, as Horace might have said to Lyotard.

(Reuter 2006: 7)

In 260 the Roman emperor Valerian was captured by Sasanian troops at the Battle of Edessa (according to later legends the Sasanian King of Kings Shapur I used Valerian as his footstool, before having him skinned alive, stuffed with straw and put on display). Shortly afterwards his son, Gallienus – now sole emperor – issued a law confirming the end of his father's anti-Christian persecution. Valerian's second persecution edict, issued in 258 and endorsed by the Roman Senate, targeted Christian clergy – ordering them to supplicate to the gods and to cease celebrating rituals or holding assemblies in cemeteries. It also targeted prominent lay Christians and their property:

Bishops, presbyters and deacons should be punished immediately; senators, *virii egregii*, and knights should lose their dignities and be deprived of their property. If they still persisted in their Christianity they would be executed. *Matronae* [married women with high social status] would lose their property and be banished. *Caesariani* [officials belonging to the imperial household] would be reduced to slavery and sent in chains to work on the imperial estates.

(Whitehorne 1977: 195, quoting Cyprian *Ep.* 80.1)

Accordingly, Gallienus' 260 Edict not only confirmed the end of his father's measures – making peace with the god of the Christians as part of a renewed *pax deorum* – it also provided explicitly for the restoration of confiscated property. We only know of Gallienus' 260 Edict via two rescripts that he issued around 262 and 263 in response to petitions from Christian bishops (later copied and translated by Eusebius of Caesarea in his *Ecclesiastical History*: Barnes 2010: 96–105). On both occasions, the two (different) groups of Christian bishops complained that property that should have been returned to them was not; both times Gallienus responded positively, confirming his previous edict. Less than a decade later we find bishops appealing to the Emperor Aurelian against the (deposed bishop) Paul of Samosata's

continued possession of ‘the house of the church’ at Antioch (Millar 1971). These examples from the reigns of the late third-century emperors Gallienus and Aurelian suggest that groups of Christian ecclesiastics were beginning to function as what the legal sociologist Marc Galanter termed ‘repeat players’: claimants ‘who are engaged in many similar litigations over time’, as opposed to ‘one-shotters’ who ‘have only occasional recourse to the courts’ (Galanter 1974: 3).⁸

According to Galanter, the ‘repeat player’ [RP]/one shotter [OS] distinction is crucial because it is organisations that generally have the (financial) resources and institutionalised knowledge to enable them to act as ‘repeat players’. The RP, unlike the OS, can ‘play the odds’; he ‘can play for rules as well as immediate gains’, expending ‘resources in influencing the making of the relevant rules by such methods as lobbying. (And his accumulated expertise enables him to do this persuasively.)’; the RP can also ‘play for rules in litigation itself, whereas an OS [one-shotter] is unlikely to’ (Galanter 1974: 6). This last point is worth emphasizing:

Because his stakes in the immediate outcome are high and because by definition OS is unconcerned with the outcome of similar litigation in the future, OS will have little interest in that element of the outcome which might influence the disposition of the decision-maker next time around. For the RP, on the other hand, anything that will favourably influence the outcomes of future cases is a worthwhile result.

‘Repeat players’ are thus ‘concerned with the rules which govern future cases of the same kind’ (Galanter 1974: 6). Galanter’s model helps us to understand two fundamental facts about the relationship between Christianity and Roman law from the third to seventh centuries: first, whether or not Roman law categorised the Christian Church (singular) or Christian churches (plural) as corporate bodies, Christians conceived of themselves as belonging to a communal body (*corpus*) united in Christ, with distinctive Holy Scriptures, customs and traditions and, by the later third century at least, internal institutionalised structures. Many ecclesiastics and other prominent Christians communicated with each other in person, by letter and through written texts – they shared knowledge, information and strategies. Churches also had financial resources, including the patronage of wealthy and influential lay persons. They had the resources to function, in other words, as ‘repeat players’ within the Roman legal system. Second, precisely because they were repeat players, Christian ecclesiastics played for rules as well as for immediate gains. In other words, they changed the Roman legal system through their use of it.

How Christian ecclesiastics – and, as we shall see, factional groups within that broad category – functioned as ‘repeat players’ in the Late Roman legal system can be traced through a number of different concrete examples. We have already seen two instances of bishops in the 260s seeking imperial redress for the return of confiscated property. These continued into the 300s and 310s, as the emperors Constantine, Licinius and Maximin variously ordered the restoration of Christian property confiscated during periods of persecution (Eusebius, *Ecclesiastical History* 9.10 and 10.5; see also Justinian, *Codex* 7.38.2, 387). In a letter of 312 addressed to the Proconsul of Africa, Anulinus, the emperor Constantine ordered that property was only to be returned to the ‘Catholic’ church of the Christians – hence, from the early

fourth century onwards, intra-Christian legal disputes over the return of confiscated property could also involve disputes over Christian orthodoxy and/or orthopraxy.⁹ Constantine also specified that the various tax breaks, immunities, donations, gifts and exemptions that he extended to Christian clerics (and their wives, children and servants) were to benefit Catholics only (Eusebius, *Ecclesiastical History* 10.6 and 10.7; also *Codex Theodosianus* 16.2.1–2 (313) and 16.2.10, re-dated to 320).¹⁰ Throughout the fourth to sixth centuries we find groups of Christian ecclesiastics petitioning the emperors for immunities, gifts and tax exemptions – prompting further legislation and legal clarifications (Jones 1964, 1382 fn.101 and 1178–9 fn. 52). We also find bishops objecting to immunities, gifts and tax exemptions still being granted to other beneficiaries: the traditional Roman cults (as in the so-called ‘Altar of Victory debate’: Croke and Harries 1982). Late Roman churches operated within an already existing structure of property ownership, which Christian clerics worked both within and upon. Further concrete examples of how ecclesiastics acted as ‘repeat players’, changing the late Roman legal system through their use of it, can be traced through the fields of inheritance law (Humfress 2017), legal procedure (Humfress 2013b) and beyond (Humfress 2011).

II. A NEW LEGAL COSMOS?

Parties who have lawyers do better.

(Galanter 1974: 21)

In the late empire, as in the early empire, legal processes demanded the attention of lawyers. And lawyers, as Galanter notes, are themselves repeat players (Galanter 1974: 21). Within the late empire there were two broad types of Roman lawyers who pleaded cases on behalf of the Church. The first type can be identified as ecclesiastics who had received specific training in forensic rhetoric and less frequently in Roman law itself. Key fourth-century and fifth-century ecclesiastics had been trained in forensic rhetoric as part of their education in the rhetorical schools of the late empire. This expertise allowed some ecclesiastics to participate effectively in the legal hierarchy of the imperial bureaucracy. They pleaded at the imperial court for privileges and exemptions, they argued for the extension of case-specific rescripts before praetors and proconsuls, they sought the promulgation of new imperial legislation and then transformed its content by applying it to analogous cases (Humfress 2007a).

The fourth century is marked by increasing attempts to regulate the admission of legal practitioners into sacerdotal offices. At the Council of Serdica in 343 Bishop Ossius revealed that forensic advocates were of crucial importance to the post-Constantinian Church through his tacit admission that they were being promoted straight to episcopal sees:

Bishop Ossius said: ‘I consider it necessary that this be gone into with all care and attention. If some rich man or forensic advocate is thought worthy of becoming a bishop, he should not be established (in this station) until he has served as lector and deacon and presbyter.’

(Council of Serdica, Canon 10)



Figure 37.1 Diptych of Anicius Petronius Probus, consul (Rome 406). Aosta, Tesoro del Duomo. © Fratelli Alinari, 2000.

This practice of promoting forensic advocates, however, posed a certain dilemma for a late imperial church intent on a rhetoric of other-worldly separation. Two decretals of Pope Siricius (384–398) raise the question of whether those who have distinguished themselves in forensic careers should be admitted to the priesthood at all. In one decretal Siricius forbids their ordination, basing his interdiction on the apostolic precepts of the early Church. Elsewhere, however, an elegant solution is offered, enabling imperial functionaries to be ordained after they had undertaken penance. In the early fifth century Pope Innocent I directed the attention of the bishops of Spain to one specific aspect of the ordination of individuals with pretensions to forensic practice: it had come to his attention that a number of ecclesiastics continued to plead as advocates in the court rooms of the late empire even after their ordination as priests.

The second type of Roman lawyer who pleaded on behalf of late antique churches was the practising professional advocate. A relatively frequent *topos* in Christian



Figure 37.2 The San Nazaro reliquary, depicting the Judgement of Solomon. Silver gilt casket dedicated in 386 and interred beneath the main altar of St Ambrose's Basilica Apostolorum. Milan, Tesoro del Duomo. © Hirmer Verlag München.

martyr literature is the 'professional' advocate pleading before the imperial magistrate *pro causa Christianorum*. The Acts of the martyr Maximilianus record a trial held in 177–8 in which an advocate, Vettius Epagatus, pleaded in defence of his brothers who were accused of being Christians. In his *Ad Scapulam* 4.3–5 Tertullian outlines the role that professional advocates could assume, even if their intervention had not been requested by the accused. He states that governors of the province could legally acquit Christians if they wished – as the proconsul Gaius Julius Asper had. The proconsuls, urges Tertullian, should consult the advocates stationed at their courts in order to advise themselves regarding the various strategies that would permit them to find the accused not guilty. Tertullian was well aware that potential martyrs might refuse forensic assistance, preferring to plead for martyrdom themselves.

The relationship between Christians and professional advocates within the pre-Constantinian Church was not always an uneasy one. The *Acts of St Sebastian* state that in 286 Caius, bishop of Rome, instituted a *defensor*. Some modern scholars refer to this passage as the first reference to the institution of the *defensor ecclesiae*. However, they are mistaken in dating the creation of this office as early as the late third century. Caius employed a *defensor* for a particular case, just as Vettius

Epagatus had been employed as an advocate *pro causa Christianorum* in 177–8 – he did not create a new permanent forensic office.

As we have already seen above, the post-Constantinian Church had more scope for legal action. No longer the persecuted sect, ecclesiastics could now invoke imperial officials to intervene in their internal disputes on a more regular basis. In 315 the Church in Carthage split into two factions, each driven by perceptions of what the other had done (or not done) during the previous period of persecutions (see further Miles 2016). The dispute reached the court of the proconsul, thus instituting the first great legal process of what came to be termed the ‘Donatist schism’. The acts of the 315 case reveal that advocates, drawn from professional corporations, were employed to argue the case for both sides. The fact that the originators of the split (c.312) had been the subject of judicial proceedings during the early reign of the Emperor Constantine set the framework for the fourth-century and early fifth-century development of the controversy. From the outset both ‘Catholics’ and ‘Donatists’ employed professional advocates to argue their case. The dossiers that these professional advocates constructed were duly entered into the legal *acta* and thenceforth set out precedents that could later be claimed by each side in the dispute. These forensic dossiers (comprised of verbatim extracts from the court proceedings, imperial letters and the acts of ecclesiastical councils) were of crucial importance to both theological polemic and future concrete legal cases (Shaw 2011).

In 368 Damasus, bishop of Rome, employed professional advocates in a legal case – again concerning an internal schism, but this time within the Church at Rome itself. The background to the dispute is complex; here it is only necessary to note that *defensores* – acting on behalf of the faction represented by Damasus against a rival faction led by Ursinus – petitioned the Urban Prefect for the restitution of a basilica. The case was referred to the Emperor Valentinian and the imperial reply was issued as a rescript.¹¹ Valentinian’s text clearly refers to *defensores ecclesiae urbis Romae*. Accordingly modern historians have cited 368 as the first reference to the ‘medieval’ institution of the *defensor ecclesiae* (for example Pietri 1976: 678). Once again, however, this dating is mistaken. Valentinian’s rescript also specifies that the *defensores ecclesiae urbis Romae* are charged by special procuration with the interests of Damasus himself. The *defensores* in 368 were not permanently mandated to defend the interests of the Church at Rome, but rather appointed *ad hoc* to defend the interests of a named individual in a concrete case.

The creation of permanent *defensores* mandated to act in all cases and processes in the interests of the Church is in fact datable to the early fifth century and was not a ‘papal’ initiative, but was occasioned by the ‘Catholic’ North African Church. The official creation of the *defensor ecclesiae* can be traced to a single legislative act of the Emperors Honorius and Theodosius (excerpted at *Codex Theodosianus* 16.2.38), but the suggestion for this new institutionalized office came from a group of North African bishops. More specifically, the establishment of this new type of Christian Roman lawyer was forced by the repeated pleadings of North African clerics for the right to have a permanent legal representative. As we shall see, an examination of how these bishops framed their pleas to the imperial court can be followed through their deliberations in the (‘Catholic’) North African Church councils of 401 and 407. Their requests were founded deliberately on Roman legal precedents: the 401 plea (which we can assume to have been unsuccessful) was framed

by an analogy with the existing legal office of ‘the defender of the city’ (*defensor civitatis*). The successful 407 plea was framed by a striking analogy with the legal privileges traditionally accorded to the ‘pagan’ imperial cult. Thus the bishops of North Africa invoked a deliberate translation of a ‘pagan’ legal precedent into the Christian arena, for the benefit of the Christian Church. Of the two types of Roman lawyers employed by the Christian Church, it was the first who effectively created the second out of the institutions of the ‘pagan’ past.

Pleading for *defensores ecclesiae*: the first attempt

As we have seen, the Donatist dispute was, to a significant extent, played out in the courtroom. Both Catholics and Donatists litigated for the right to be regarded as the orthodox representatives of Christianity and by its very nature this litigation involved the preparation of a large number of often complex legal cases. The ‘Catholic’ North African Church needed permanent skilled advocates to represent all its interests, rather than repeatedly mandating individuals on an *ad hoc* basis for single cases. However, in seeking the creation of a permanent *defensor* the North African Church had to operate within a framework already established by Roman law. The North African Church was not juridically competent simply to appoint a permanent *defensor* for itself.¹² It was a fundamental principle of Roman law that civil persons could not appoint a permanent individual to represent them in all the processes which they had to, or might, pursue. According to the Roman jurist Paul, however, corporate bodies had the right to request a permanent ‘actor’ or ‘syndic’ who could be appointed to act in all cases (Justinian, *Digest* 3.4.6.1). Yet in the early fifth century the Church as a whole was in an ambiguous position with reference to the legal recognition of its corporate status. The North African bishops were alert to this fact.

The faculty of permanent *defensores* was first requested by a Council of Carthage held on 13 September 401. The discussion earlier in the day had arrived at an unequivocal formula for viewing the universal Church as a corporate body. Moreover, this request for *defensores ecclesiae* was framed using the precedent of the *defensores* of the cities – the permanent processual representatives who acted for the municipal corporations. The North Africans thus attempted to bolster their request by an analogy with a corporate body already unambiguously accorded the status of a juridical person in Roman law. It is to this first attempt to plead for *defensores* of the Church that we shall now turn.

ON SEEKING ADVOCATES FOR THE CHURCHES FROM THE EMPEROR.
Resolved, let it be requested of the universal emperors, on account of the sufferings of the poor, whose troubles burden the Church without intermission, that defenders be assigned to them against the power of the rich, through the foresight of the bishops.

(Canon 11, Council of Carthage 13 September 401:
Munier (ed.) 1974: 202, lines 686–90)

With this canonical resolution from the September 401 Council of Carthage, the North African Church announced its intention of pleading at the imperial court for the faculty of permanent *defensores*. The canon also agreed upon the manner

in which the plea was to be framed: the *defensores* were sought for the defence of the poor against the powerful rich. In 368 the Emperor Valentinian had granted the Illyrian municipalities the right to institute permanent *defensores* using the same reasoning:

Emperors Valentinian and Valens to Probus, praetorian prefect. We have decreed to their benefit that all the plebeians of Illyricum shall be defended by the offices of advocates against the outrages of the powerful.

(*Codex Theodosianus* 1.29.1)

The constitution goes on to specify that these ‘defenders’ were to be selected from individuals who have occupied high positions within the imperial bureaucracy or else practised as forensic advocates. A further constitution issued at Constantinople in 385, addressed to a certain Theodorus *defensor civitatis*, (*Justinian, Codex* 1.55.4), states that defenders of the cities should act as ‘parents’ to the common plebeians, protecting city-dwellers and country-dwellers alike from unjust demands and exactions.¹³ The late fourth-century imperial formalization of the *defensor civitatis* provided a persuasive precedent that the North African Church could appeal to in seeking to establish its own *defensores*. If the emperors had already acknowledged the necessity of protecting the *plebs* against the outrages of the *potentes* with respect to the corporate bodies of the municipalities, how could they refuse to grant defenders to the corporate body of the Church for the same purpose? We have no record of the outcome of their plea. However, six years later the same bishops had occasion to appeal to the emperors once again for the faculty of permanent *defensores*. The 401 attempt seems to have failed, whereas the 407 plea succeeded (Martroye 1923: 620). In 407, however, the bishops presented the imperial authorities with a different precedent for their request.

Pleading for *defensores ecclesiae*: the second attempt

Let it be resolved that the envoys Vincentius and Fortunatianus, who are about to set out to represent all the provinces, should request of the most glorious emperors that they accord the faculty for the establishment of defenders taken from the body of advocates who are employed in law cases as advocates for the defence, so that, as is the custom with provincial high-priests, those who have undertaken the defence of the Church should be empowered to enter the chambers of judges as necessity demands, so as to resist what is urged on the other side or so as to give whatever advice might be necessary.

By this canonical resolution from the Council of Carthage, 13 June 407, the bishops Vincentius and Fortunatianus were charged with a very specific mission: to plead at the imperial court for the faculty of *defensores* who would be chosen from among the corporate body of advocates (termed *scholastici*). Vincentius and Fortunatianus were to request that these defenders should have the right to represent the Church in all cases, ‘as is the custom with provincial high-priests’. This phrase, *ut more sacerdotum provinciae*, was crucial to the Africans’ plea. They were in fact requesting the right of permanent legal representation modelled on the permanent legal

representation that the imperial cult already enjoyed, through the faculty of the provincial priesthood.¹⁴

Under the early empire the *sacerdotes provinciae* had been accorded special rights and privileges in their capacity as permanent *defensores* of the patrimony of the imperial cult. During the later empire they remained responsible for presenting the pleas of each provincial council to the imperial court.¹⁵ To this end the Emperor Constantius had decreed that their members should be drawn exclusively from corporations of practising advocates (*Codex Theodosianus* 12.1.46 [355]). The 407 North African church council thus requested the same qualification for their *defensor ecclesiae*. *Sacerdotes provinciae* also held the right to collect rescripts granted in response to their pleas directly from the imperial court. This was an important privilege. Any imperial rescript had to be registered in the *acta proconsularis* before it could be cited in a legal controversy, but the *sacerdotes provinciae* could bypass the usual (lengthy) bureaucratic channels for the transmission of documents and carry the rescript themselves to the provincial magistrates' court, thus ensuring prompt action. This privilege was particularly important to the 407 Council of Carthage, convened within the period immediately after the 'acting Emperor' Stilicho's policy of toleration towards the Donatists. In the immediate context of Stilicho's fall from power, it was imperative that the North African 'Catholic' bishops act quickly in the application of any new anti-Donatist imperial legislation, thereby frustrating Donatist appeals to Stilicho's authority. The 407 council also requested that its *defensores ecclesiae* should 'have the ability to enter into the private audience chamber of the judge each time they deem it necessary, so as to resist what is urged on the other side or to advise whatever might be necessary'. The free right of access to the private council chambers of magistrates had already been granted to both *sacerdotes provinciae* and *defensores* of the cities. This privilege of freely entering the judges' private audience chamber carried with it the more important right to be present when the judge was deliberating his sentence (*Codex Theodosianus* 6.26.16, 410). The *defensores* could thus directly influence the outcome of any concrete case that fell within their jurisdiction.

These requests were answered, point for point, by a constitution of the emperors Honorius and Theodosius dated 15 November 407, addressed to the Proconsul of Africa (*Codex Theodosianus* 16.2.38.) There is evidence to suggest that the text of the original constitution also included a forceful restatement of previous legislative measures against Donatists and pagans. The emperors Honorius and Theodosius provided the North African Church with a firm legislative basis on which prosecutions against Donatists could proceed, and also supplied the faculty of permanent *defensores* who could argue the resulting cases at law. The emperors Honorius and Theodosius can thus be said to have 'created' a new category of forensic practitioner: the *defensor ecclesiae*, a permanently mandated 'professional' advocate capable of acting for the Church in all legal cases. The elaboration of this office was, however, provoked by the carefully phrased demands of the North African Church itself. The canonical resolutions from 401 and 407 reveal the North African bishops as skilled 'repeat players' within the Roman legal system. In this respect, the process lying behind the legislative creation of the *defensor ecclesiae* is as important as the institution itself.

After 407 the privilege granted to the North Africans was extended to other churches. For example, Innocent I used a group of *defensores ecclesiae* to expel a group of 'Photinian' heretics from the city of Rome. In a letter most likely written

towards the end of his pontificate, Innocent suggested that Laurentius (possibly bishop of Senia, Croatia or Siena, Italy), should ‘approach the provincial authorities himself and ask for an extension in the application of the Roman ruling to Lawrence’s own church’ (Innocent I, *Ep.* 41; Dunn 2012: 148). By the mid-sixth century the duties associated with the office had expanded to include the enforcement of disciplinary measures against clergy, monks and laity; summons, arrests and judicial hearings of accused monks and clerics; involvement in sanctuary and asylum cases; forwarding complaints and petitions to high-ranking legal officials in Constantinople; and the registration of marriages and wills (Council of Chalcedon, 451, canon 23; Justinian *Codex* 1.12.6, 6 and 10, 466; 1.3.32(33), 2, 472; 1.12.8, no date; Justinian, *Novel* 56, 537; Justinian *Novel* 74.4, 538; and Justinian *Novel* 117, 542). As bishops assumed wider civic responsibilities related to the day-to-day administration of early medieval society, so their need for legal assistance in handling those responsibilities increased (Mochi Onory 1933: 174–8; Pietri 1976: 677–9; Zovatto 1966; Pergameni 1907: 9–51).

III. A NEW LEGAL COSMOS?

Do you not know that the saints (*hagioi*) will judge the world? And if the world is to be judged by you, are you incompetent to try trivial cases? Do you not know that we will judge angels – to say nothing of ordinary matters?

(1 Corinthians 6: 2–3)

According to the Apostle Paul, writing in the mid-first century to the (fractious) Christian community that he had found in Corinth only a few years earlier, eschatological judgment: God’s Last Judgment of the rational cosmos, is closely related to human judgment: the resolution of trivial, ordinary, affairs in the here and now. At the Last Judgment, the ‘saints’ (the ‘holy’, *hagioi*) – and Paul seems to include the Corinthian Christians in this designation – will judge the angels and the world. How, then, can the Corinthian Christians possibly fail to resolve their own petty, day-to-day disputes amongst themselves? Existing scholarship has tended to focus upon this Pauline passage as evidence that early Christians were encouraged to resolve disputes internally, within their communities. The eschatological framework underlying this Pauline text has received less attention. What Paul implies here is a new, Christian, legal cosmos in which the ‘saints’ function as privileged cosmic actors – their earthly judgments underpinned by their participation in the Final Judgment to come.

In the so-called *Didascalia Apostolorum* – translated into Syriac, possibly in the early fourth century, from a non-extant Greek text – the Christian bishop provides a direct link between eschatological and human judgment: ‘For the word of sentence which you [i.e. the bishop] decree ascends straightaway to God; and if you have justly judged, you shall receive from God the reward of justice, both now and hereafter; but if you have judged unjustly, again you shall receive the recompense from God accordingly’ (*Didascalia Apostolorum* 2.49.1–50.3, trans. Connolly 1929). The bishop’s judgment ascends immediately to God, thus affirming his privileged relationship to the divine – notwithstanding the fact that his judgment will, in turn, be judged (Humfress 2011: 397–8). As the emperor Constantine put it in a letter



Figure 37.3 ‘Christ in the Roman Forum’, dating from the period of Christian ‘triumphalism’ after the Theodosian settlement c.390, with the disciples garbed as senators. Rome, Church of Santa Pudenziana. Apse mosaic. Photo: Scala.

addressed ‘to the Catholic Bishops’, written shortly after the Council of Arles (314): ‘They [sc. the bishops who lost their case at the Council of Arles] demand my judgment, when I myself await the judgment of Christ. For I tell you, as is the truth, that the judgment of the priests [sc. the bishops at Arles] should be regarded as if God himself were in the judge’s seat. For these have no power either to think or to judge except as they are instructed by Christ’s teaching’ (Optatus 1997: 190). Christian bishops were not simply ‘repeat players’ within the Roman legal system; they were ‘repeat players’ within a specific, eschatological, framework.

The desire to bring about a rightly ordered cosmos – in which Christian clerics would maintain proper contact with the Christian god on behalf of the empire and its inhabitants – also lies behind Constantine’s grants of legal privileges and exemptions to Catholic Christian churches and ecclesiastics. Catholic clerics were to be released from their compulsory burdens, personal and financial, so that nothing would interfere with their performance of the sacred rights and services owed to the highest (Christian) God.¹⁶ Heretical clergy, on the hand, were to be bound and subjected to compulsory public services (*Codex Theodosianus* 16.5.1, 326). On a cosmological scale, however, heretics were to be ‘eliminated like a poison from humanity’:

how many are the falsehoods in which your idle folly is entangled, and how venomous the poisons with which your teaching is involved, so that the healthy are brought to sickness and the living to everlasting death through you . . . Why then should we endure such evils any longer? Protracted neglect allows healthy people

to be infected as with an epidemic disease. Why do we not immediately use severe public measures to dig up such a great evil, as you might say, by the roots?

(Constantine, 'Letter to the Heretics', Eusebius 1999: 151–2)

Between the fourth and sixth centuries a vast body of anti-heretical legislation was issued by the imperial authorities, far outnumbering the surviving laws against paganism. New legal categories and heresiological labels were elaborated case by case, as new heresies were identified and classified (Humfress 2007a and Humfress 2015). Advocates and legal experts could transform imperial legislation by applying it to particular cases, often provoking the need for further legislation to check their forensic activities. Focusing upon the creation, and crucially the application, of anti-heretical legislation transports us to the *axis mundi* of late Roman, imperial, Christianity. The 'cosmological historiography' of late Roman law itself, however, has yet to be written (quotation from Chin 2015: 100).

CONCLUSION

Legal techniques of interpretation, argumentation and analogous reasoning were important tools – amongst others – employed by 'repeat players': ecclesiastical and professional lawyers, in the service of the Late Roman institutional church. As Maria Doerfler states: 'While not all realms of Christian discourse show identical degrees of saturation with Roman legal and judicial thought, none are completely free of it' (Doerfler 2013: 320). In this respect Late Antiquity bequeathed a fundamental legacy to the Middle Ages.

Late Roman law was effectively imperial law, 'the law of the emperors'. Every emperor who legitimately held the imperial office between Constantine and Justinian was, without exception, a baptised Christian (including 'the apostate' Julian). This fact alone might seem to suggest an inevitable, albeit slow and uneven, process of Christianisation: from a pagan to a Christian Roman empire, from the Christianities (plural) of the first three centuries to an imperial Christian church (singular) of late Antiquity.¹⁷ Until the reign of Justinian, however, the relationship between state-power, imperial law and Christianity is better characterised by historians as one of bricolage: individuals and groups making repeated use of the tools at hand, creating new things out of old, changing the late Roman legal system through their use of it. Viewed from this perspective, Justinian's promotion of a thoroughly Christianised legal cosmos – a cosmos in which even the texts of Roman law explicitly invoke the Christian God as their author and patron – looks less like the culmination of an inevitable historical process and more like a distinctive, deliberately crafted, 'top-down' cultural shift. New scholarship on law, religion and legal culture in Sasanian Iran, Rabbinic Judaism, early Islam and the Holy Roman Empire(s) of the medieval West promises to open up further, exciting, frameworks for comparative research.¹⁸

NOTES

- 1 The original (Greek) text of this constitution comes from the *Basilica*, a late ninth-century imperial codification. With thanks to Bruce Frier for his help and advice on this text and its translation.
- 2 On Justinian's 'anti-pagan' persecutions see Corcoran 2009.

- 3 The full Acts of the 451 Council and related texts are now available in English translation: Price and Gaddis 2005. On Chalcedon's legacy see Louth 2015 and Schor 2011. One of Justinian's first legislative acts after the death of Justin in August 527 AD was to promulgate the law later included in the *Codex Repetitae Praelectionis* (534 AD, henceforth *Codex*) at 1.1.5: a legislative statement of the (pro-Chalcedonian) Imperial Orthodox faith, together with a condemnation of all heresies, especially those of Nestorius (d. 450 AD), Eutyches (d. around 456 AD) and Apollinaris (d. 390 AD).
- 4 For Eunomians being excluded from imperial service see also *Codex Theodosianus* 16.5.58, 7 (Theodosius II, 415) and 16.5.61 (Theodosius II, 423). The Western Emperor Honorius banned 'persons hostile to the Catholic sect' from imperial service within the palace at Ravenna in 408 (*Codex Theodosianus* 16.5.42). see also Valentinian III Novel 18.4 (445, specifying Manichees) and Justinian *Codex* 1.5.8, 6 (455, specifying 'Apollinarians' and 'Eutychians').
- 5 On imperial certificates of appointment see *Codex Theodosianus* 8.7.21–22 (Theodosius II, 426 AD); Justinian, *Codex* 1.5.12, 11 (Justin and Justinian, 527 AD); Justinian, *Codex* 1.4.20 (Justinian 527/8), adding the requirement that three witnesses have to testify to a candidate's orthodox faith and John Lydus, *On Magistracies* III.12 (ed. Bandy 150). Justinian also legislated against advocates (or any other kind of official or person of rank) who claimed to have received an orthodox baptism, but whose family members remained heretics: Justinian, *Codex* 1.5.18, 5 issued between 527 and 529 AD and Justinian, *Codex* 1.11.10, 6, no date extant).
- 6 Humfress 2007b. Alongside other measures, Justinian's *Novel* 146 (553) laid down harsh penalties for any Jews who denied the Last Judgment, the resurrection of the dead, 'or that angels are part of God's work creation' – see further Smelik 2012.
- 7 Further bibliography in Girardet 2009 and Humfress 2016.
- 8 The late Roman legal system fits all of Galanter's pre-requisite assumptions for his model to apply.
- 9 For example, Optatus, *Against the Donatists*, Appendix 10. On legal disputes over ecclesiastical property resulting from sentences of deposition and exile against late Roman bishops see Washburn, 2013.
- 10 These measures originally applied to the Western empire (i.e., the territory ruled by Constantine before 324) but were extended by Constantius 356/7 (*Codex Theodosianus* 16.2.14).
- 11 The rescript is included in the *Collectio Avellana* (Guenther [ed.], 1895: 49, lines 1–17). The *Collectio Avellana* also records that Damasus had previously employed 'pagan advocates' to persecute Catholic presbyters and laymen (Guenther [ed.], 1895: 30, lines 4–10).
- 12 *Contra Merdinger* 1997: 105 who assumes that the 'African fathers' autonomously created the position of *defensor ecclesiae* in order to relieve themselves of 'business-related problems'.
- 13 On the development of the office of *defensor civitatis* see Frakes 2001.
- 14 Modern scholars agree on this interpretation of *sacerdotes provinciae* as the provincial priests of the imperial cult: Martroye 1921: 242 and 1923: 597; Mochi Onory 1933: 177; and Fischer 1956: 656.
- 15 Chastagnol 1994: 93–104 places the office of the provincial priesthood within the wider context of the survival of the imperial cult in North Africa, until the Vandal regime. *Codex Theodosianus* 16.10.20 (415), 12.1.186 (429) and Valentinian *Novel* 13 (445) testify to the fact that the 'political' dimensions of the provincial priesthood survived well into the fifth century.
- 16 Constantine, 'Letter to Anulinus' in Eusebius, *Ecclesiastical History* 10.7; compare *Codex Theodosianus* 16.2.2, 319 Seeck; 16.2.21 (371); Justinian, *Codex* 1.3.41(42), 24–27, 528 and 1.4.34pr, 534. On the Roman Republican background to this idea see Tellegen-Couperus 2012.
- 17 On 'Christianisation' as a concept see Brown 1995 and Watts 2015.
- 18 Sasanian: Payne 2015 and Macuch, 2015; Rabbinic Judaism: Kanarek 2014, Secunda 2014, Dohrmann 2013, Simon-Shoshan 2012, Hidary 2010; early Islamic Empire: Tillier 2014, Zellentin 2013 and Simonsohn 2011.

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CHAPTER THIRTY-EIGHT

MEDIEVAL MONASTICISM

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Janet L. Nelson

Whether in the physical landscape of Europe or in landscapes of the mind, monasteries have been among the most enduring signs of the Middle Ages. The earliest extant monastic buildings, still visible at St Catharine, Mount Sinai, for instance, or, thanks to archaeologists, at Whitby, on the Yorkshire coast, are telling witnesses to the unique role of monasticism in keeping alive Roman-Christian culture after the fall of the Roman Empire – while ‘bare ruined choirs where late the sweet birds sang’, all that survived the destructive efforts of sixteenth-century reformers, are apt markers of the break between the medieval period and the modern. The history of Christian monasticism is effectively as old as Christianity itself. Judaism in the centuries that straddled the beginning of the Christian era harboured world-renouncing sects, who lived in more or less closed small communities, practised rigorous asceticism, and were preoccupied with the imminent end of time. In the earliest centuries CE, with Christianity itself still a sect that retained its original anti-intellectualism (Weber 1965: 512) and still very largely urban, world-renouncing asceticism re-emerged as a Christian alternative, especially in the Near East. The ecology of that region provokes a sharp awareness of the otherness of the desert, the *eremos*, beyond the populated and cultivated areas surrounding cities and villages. Ascetics were men of the *eremos*. Some lived the ascetic life alone: both hermit (*eremita*) and monk (*monachos*) originated as terms referring to the solitary religious virtuoso. Others lived in groups, sharing both their daily bread, earned by small-scale artisanal production, and a common daily liturgy. By the early fourth century, there were many of these groups especially in Egypt. They were known as *livers of a common life*, in Greek *koinos bios*, hence collectively by the Latin term cenobites.

The world-renouncers might be spiritually detached, yet in material terms all but the most resolute survivors on honey and wild herbs depended for their sustenance on contacts with peasant cultivators and townsfolk. The earliest lives of the desert fathers describe the hermits receiving small gifts of food from those who sought their spiritual counsel, while the cenobites sold or bartered their products, reed-baskets for example, to villagers so as to acquire the staples they needed: food, and the wine and candles required for liturgical performances. The holy men were marginal men, well-placed to provide impartial advice, to mediate disputes, to act

as middlemen between rural communities and urban, even imperial, authorities (Brown 1981; Frend 1972). But the marginal men were also integrated through precisely these links, and through economic dependence, into their social world. What remain unknown are patterns of recruitment to these ascetic networks and groups. The lives of a few well-remembered individuals, the desert fathers, suggest that most of these, and their associates, were of peasant origin (*Sayings of the Desert Fathers*, Ward 1975). Perhaps this, and the renunciation of the little they had had, enhanced their reputations in the eyes of third-century town-dwellers.

In the course of the fourth century, Christianity was transformed from a sect to a Church – the official Church of the Roman Empire. Monasticism too became respectable. It adopted intellectualism of a sort, preoccupied with the understanding of sacred texts, with personal religious experience, and with the meanings of liturgical performance. In Cappadocia, Basil, a provincial aristocrat with connections at the imperial court, was a leading exponent of fourth-century cenobitism, and wrote a monastic Rule that has remained the most widely practised in Eastern Christendom ever since. Several of Basil's close kin were associated in his monastic enterprises, and the family's property constituted the core-endowment of these establishments (Brown 1988: 285–304). Just as Christians at large prayed regularly for the wellbeing of the Roman Empire, so too, and with special efficacy since the prayers of the pure were believed especially pleasing to God, did monks. Emperors in turn granted monasteries property and special legal status. To gain a vivid sense of monasticism's enduring centrality in Byzantine culture, and subsequently in Greek Orthodox culture, there is no better way than to consider the history of the cenobitic communities and hermitages on the peninsula of Mount Athos in the northern Aegean. From the tenth century onwards, a series of lavish imperial grants in mainland Greece established the economic viability of Athonite houses, and endowed them, too, with exceptional works of art. Imperial decrees supported Athonite autonomy, that is, the monasteries' exemptions from the demands of imperial officials and from normal episcopal and patriarchal jurisdiction (Morris 1995). Imperial confirmations of internal decisions allowed Athonite communities to maintain the exclusion of women and female animals from their entire territory, not just the monastic enclosures. Throughout Byzantine history, that is, until 1453, Athonite monks offered, in return, prayers for the emperors and their families and for the state as a whole. From the fifteenth century to the twentieth, similar prayers were offered for the Ottoman regime, and also, from the late eighteenth century on, for the Russian tsars whose interest in protecting Athos had a lot to do with Russian strategic interests in the Black Sea and the Near East. Athonite monks pray, to this day, for the powers that are.

In Western Christendom, on which I focus in the rest of this chapter, and where monasticism is much better documented than in Byzantium because of the plentiful survival of descriptive as well as prescriptive evidence, parallel developments can be traced in the earlier medieval centuries (Constable 1976; Lawrence 1984; de Jong 1995). Between the fourth century, when the West began to feel the impact of imperial conversion, and the eighth, when the Carolingian regime embarked on a deeper and more systematic experiment in cultural correction, the spread of various forms of monasticism was both a symptom and an important agent of Christianisation. In the East this process had to some extent worked from the bottom up: in the

West, it worked unequivocally from the top down. The earliest western monasticism was aristocratic both in spirit and in terms of personnel. In the city of Rome, great ladies refused marriage (or remarriage) and set up house-convents in their own households, where they were besieged by ecclesiastics seeking their patronage (Clark 1986; Brown 1988). At the island-monastery of Lérins, off the Riviera coast near Marseilles, scions of the noblest families of Roman Gaul enjoyed (the word seems apt) a life of studious retirement from the world. Yet the retirement, in many cases, was only temporary: from Lérins, where the immigrant eastern monk John Cassian offered a programme of self-development and training in leadership, emerged a spiritual elite ready to assume episcopal office (Wallace-Hadrill 1983: 6–7; Leyser 1998).

Monasteries were founded on lands donated by kings and nobles. The donors believed in the superior efficacy of the ceaseless round of intercession offered up to the Almighty by celibate, and preferably virginal, monks and nuns on their patrons' behalf. The idea of spiritual benefits brought by vicarious devotion caused no problems for medieval benefactors. Pious gifts were believed to bring rewards in this life and the next. Through the prayers of devout monks, the souls of the dead were thought to be released from otherworldly sufferings incurred as punishments for sins committed on earth. By the mid-eighth century, most of the major monasteries of the Middle Ages were going concerns; and from that period on, large numbers of charters survive, at first from only a few monasteries, but increasingly from many, to document the vast scale of that lay piety. No less striking than its scale is the rationality of this effort. Monasteries were professional organisations, their inmates' days minutely timed to ensure the regularity of prayer, and their voices trained to produce perfect chant from musically annotated texts. In the medieval world before the thirteenth century at least, such strict time-keeping and such professionalism were distinctively monastic traits (Weber 1965: (i) 555, (ii) 1169–73).

It's sometimes suggested that monasteries that were (even when landlocked) like small islands of autonomy and self-sufficiency, were for that very reason institutions ideally suited to a decentralised world, when no other structures effectively existed. Such a view is a misreading of the Middle Ages, even at their Darkest. Kinship and patriarchy supplied durable, and flexible, bonds that embraced monasticism. This is clearest, perhaps, in the case of women's houses, which were always, as the noble ladies' house-convents suggest, liable to masculine control. Bishop Caesarius of Arles wrote the Rule for, and vigorously supervised, his sister's convent, conveniently located as it was in Arles itself; and the noble convents of tenth-century Saxony were set up, and supervised, by the inmates' kinsmen (Caesarius 1988; Leyser 1979: 63–74). Local power based on land-lordship and patronage reached out to clasp monasteries in a protective yet sometimes too-firm grip (cf. Brown ch. 45 in this volume). But throughout the Middle Ages, there existed more or less ambitious institutions and official hierarchies with claims to supervise, and exploit, monasteries. First and foremost, the Church, and specifically its bishops, wielded an authority never challenged in principle and usually ineluctable in practice. The fact that bishops were recruited from the same Roman-provincial elites as monks, and that a good many bishops were themselves former monks, meant that monasteries fitted more or less snugly into the frame of diocesan government in the fifth and sixth centuries. Councils of bishops in Gaul repeated the decrees of oecumenical councils on the subordination of monasteries to episcopal authority – adding such new injunctions

as that abbots must not solicit benefices, that is favours, but especially in the form of landed gifts, without their bishop's permission (Council of Orleans (511) c. 7, ed. Gaudemet and Basdevant 1989: 76–7). Bishops, who found ways to take their cut as monasteries waxed wealthy, rightly saw monastic acquisition of property as one critical point of control. Abbatial appointments were another. According to conciliar decrees and monastic Rules alike, an abbot was supposed to be elected by the members of the community, but if difficulty arose, the local bishop had the duty to intervene. Likewise, abbatial misconduct in office automatically warranted episcopal intervention and punishment. Further, priests were required in monasteries to perform the mass, and only bishops could ordain them. As lay patrons became keener to have masses said in monasteries for their own souls and the souls of their kin, more and more monk-priests were needed. Ninth-century lists show that virtually all adult inmates were priests (Schmid 1978: 592–7; de Jong 1995: 629, 647–8).

Secondly, and hardly less keen than bishops to maximise their legitimate authority, kings extended over monasteries a protection that was also a form of exploitation (Fouracre 1995). Monasteries colluded with kings to exclude episcopal intrusions and abuses of power. The seventh-century invention of monastic immunities, grants by rulers, and by bishops under royal pressure, made monasteries immune to royal agents but also to the jurisdiction of bishops. 'Let no-one think', ran one legal formula for such a grant, 'that we are decreeing new songs (*nova decernere carmina*) here, and therefore criticise us, since from ancient times, in conformity with the regulations of bishops through royal sanction, innumerable monasteries throughout the whole kingdom of the Franks clearly existed under a privilege of liberty' (Marculf 1.1: 18–24; cf. Rosenwein 1999: 103–4, 222). This liberty was evidently conditioned by the interests of Frankish kings, and worked in practice to make monasteries agents of royal government. Especially from the eleventh century onwards, exactly this mechanism operated to make a reality of papal government too (Southern 1953; cf. Boureau 2000). Throughout the Middle Ages, therefore, ecclesiastical and secular authorities jostled for influence, if not control, over monasteries and their resources. Monasteries in the countryside tended to acquire the function of pastoral care in their locality, and for that the cooperation and support of the local aristocrats were necessary. It was often monasteries that assumed responsibility for missionary activity extending beyond political frontiers, and for that the support of rulers was necessary. Fulda in northern Franconia, for example, sustained by landed patrons in its own region, was given many local churches for whose pastoral services it then became responsible (Hildebrandt 1992). At the same time, as one among the network of monasteries founded by the Anglo-Saxon monk Boniface, Fulda was in the front line of the campaign to convert the Saxons in the eighth and ninth centuries. Whenever and wherever the frontiers of Christendom expanded, monasteries were founded: in Carinthia, for instance, and on the Spanish March. Drawing on monastic traditions that favoured mobility (*peregrinatio*) rather than the stability of the Benedictine Rule, monks were in the forefront of medieval mission. Intermittently in the earlier Middle Ages, more continuously from the eleventh century on, the Papacy protected monasteries and – the *quid pro quo* – deployed their resources in manpower and moveable wealth.

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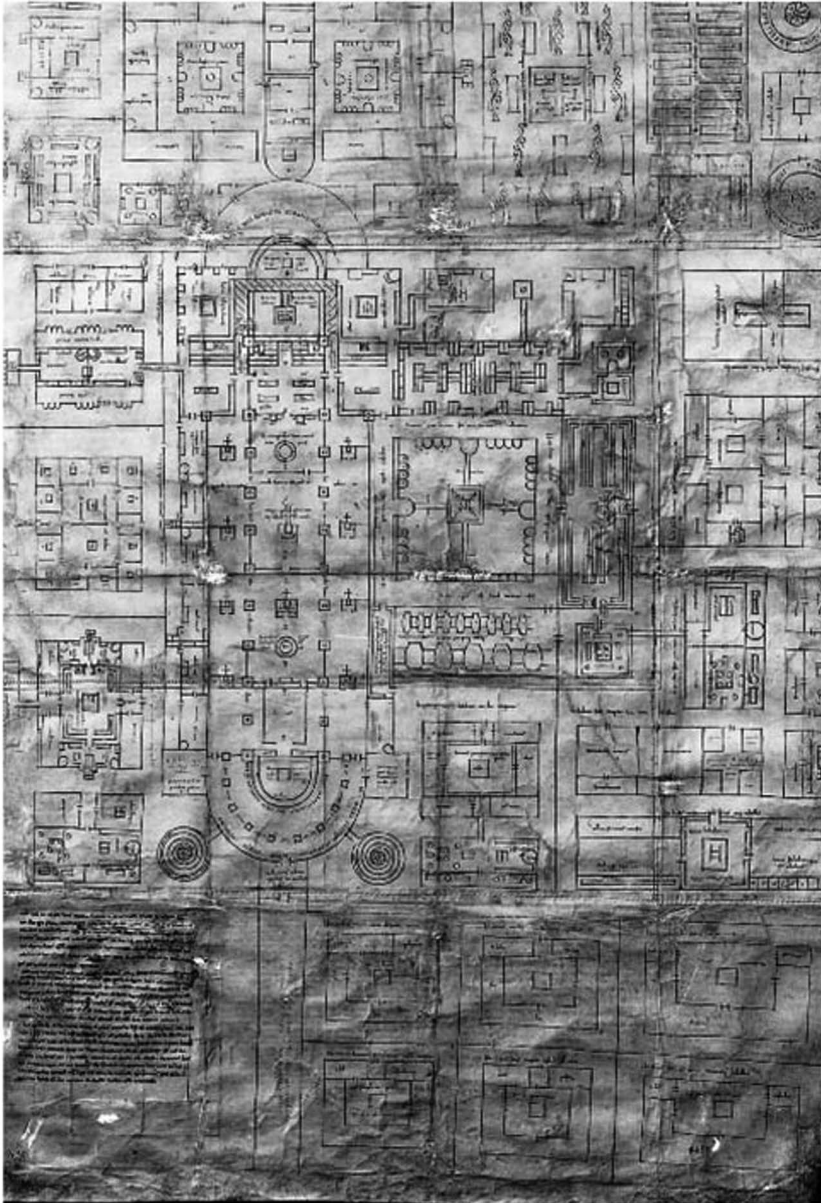


Figure 38.1a Monastic plan of St Gall. St Gallen, MS. 1092. Stiftsbibliothek, St Gallen, Switzerland.

Now, as you read this at the beginning of the third millennium, a story of monasticism with contours clear since the work of the Protestant theologian Adolf Harnack in the later-nineteenth century, and of Dom David Knowles, Dom Jean Leclercq and Dom Kassius Hallinger in the twentieth (Harnack 1908; Knowles 1966, 1969; Leclercq 1979, 1982; Hallinger 1950–1, 1971, 1979) remains deeply etched in the

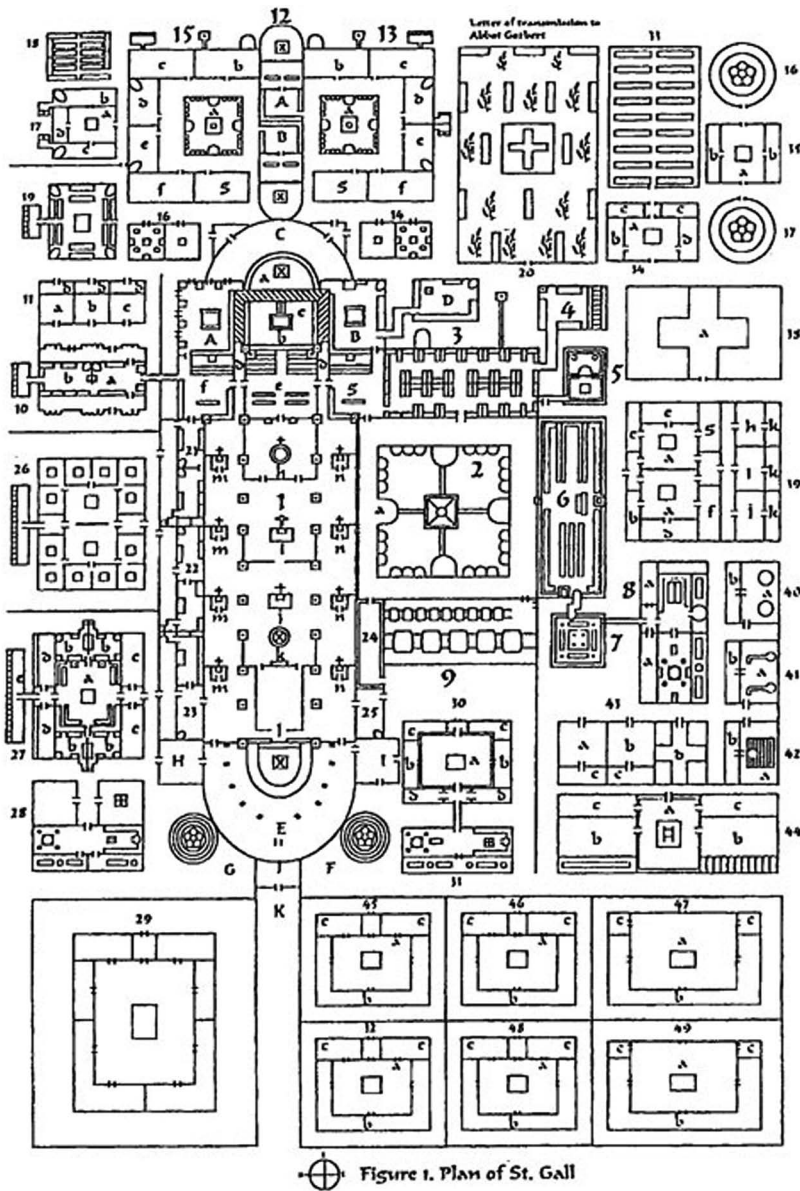


Figure 1. Plan of St. Gall

Figure 38.1b Modern plan of St Gall originally published in Alexander Callander Murray (ed.) *After Rome's Fall* (University of Toronto Press, 1998), pp. 263–5. Reprinted by courtesy of Richard E. Sullivan, Elizabeth Sullivan Hogg and with permission of the publisher.

historiography of the Middle Ages (Southern 1953; Lawrence 1984; van Engen 1986; Sullivan 1999). It belongs to the genre of ecclesiastical history, strongly tinged with the history of spirituality. This is true despite post-modernist subversion of historians' inherited paradigms, not least when those were produced from within

1. MAIN CHURCH	9. MONKS CELLAR WITH LARDER (above)	24. PARLOUR FOR MONKS' VISITORS	e. Shield makers
A. Scapitulum with Library (above)	10. ABBOT'S HOUSE	25. LODGING OF MASTER OF THE HOSPICE FOR PILGRIMS AND PAUPERS with fireplace	f. Wood turners
B. Sundry with Vestry (above)	a. Sitting Room with fireplace	26. EXTERNAL SCHOOL (2 central study halls with 12 student rooms and privy)	g. Leather workers
C. East Atrium (Paradise)	b. Bedchamber with fireplace and privy	27. HOUSE FOR DISTINGUISHED VISITORS	h. Fullers
D. Room for Baking Communion Bread and Pressing Holy Oil	11. ABBOTS KITCHEN (3), CELLAR (b), BATH (d) and SERVANTS' ROOMS (d)	a. Central chamber with open hearth and dining tables	i. Blacksmiths
E. West Atrium (Paradise) with Roof	12. SECOND CHURCH	b. Bedrooms with fireplaces and privies	j. Goldsmiths
F. South Tower with altar to St Gabriel at top	A. Chapel for Novitiate	c. Servants' quarters	k. Sleeping quarters
G. North Tower with altar to St Michael at top	B. Chapel for Infirmary	d. Horse stall	40. MILL HOUSE
H. North Porch	13. NOVITIATE	e. Novices' dormitory	a. Mill stones
I. West Porch	a. Novices' Cloister Yard	f. Novices' refectory	b. Living quarters
J. West Porch	b. Novices' Warming Room with Furnace and Smoke Stack	g. Store Room	41. MORTAR HOUSE
K. Access Road	c. Novices' Dormitory with Privy	14. KITCHEN AND BATH FOR NOVICES	a. Mortars
a. East Apse with altar to St Paul	d. Novices' Sick Room with Fireplace and Privy	15. INFIRMARY	b. Living quarters
b. Main Altar dedicated to Mary and St Gall	e. Quarters for Master of Novices with Fireplace and Privy	a. Infirmary Cloister Yard	c. Furnace
c. Sacrophagus	f. Novices' Refectory	b. Infirmary Warming Room with Furnace and Smoke Stack	43. HOUSE FOR COOPERS AND WHEEL- WRIGHTS
d. Entrance and Exit to Passage to Crypt (below Main Altar)	g. Store Room	c. Infirmary Dormitory with Privy	a. Coopers' workshop
e. Chair with steps to Main Altar; altars of St Benedict and St Columban on either side; passage under steps to crypt	14. KITCHEN AND BATH FOR NOVICES	d. Sitting Room for the Ill with Fireplace and Privy	b. Wheelwrights' workshop
f. North Transept Chapel, with altar of Sts Philip and James	15. INFIRMARY	e. Quarters for Master of Infirmary with Fireplace and Privy	c. Servants' quarters
g. South Transept Chapel, with altar of St Andrew	a. Infirmary Cloister Yard	f. Infirmary Refectory	d. Granary for monks' brewery and bakery
h. Pulpit	b. Infirmary Warming Room with Furnace and Smoke Stack	g. Store Room	44. BARN FOR HORSES AND OXEN AND THEIR KEEPERS
i. Altar of the Holy Cross	c. Infirmary Dormitory with Privy	16. KITCHEN AND BATH FOR INFIRMARY	a. Central chamber with open hearth
j. Altar of John the Baptist and John the Evangelist	d. Sitting Room for the Ill with Fireplace and Privy	17. PHYSICIANS' HOUSE	b. Servants' sleeping quarters
k. Baptismal Font	e. Quarters for Master of Infirmary with Fireplace and Privy	a. Central Chamber with Open Hearth	c. Central chamber with open hearth
l. West Apse with Choir and Altar of St Peter	f. Infirmary Refectory	b. Physicians' Bedroom with Fireplace and Privy	d. Stables
m. North Aisle with altars of St Stephen, St Martin, the Holy Innocents, and Sts Lucia and Cecilia	g. Store Room	c. Chamber for Critically Ill with Fireplace and Privy	e. Servants' sleeping quarters
n. South Aisle with altars of St Lawrence, St Mauritius, St Sebastian, and Sts Agatha and Agnes	18. MEDICINAL HERB GARDEN	d. Pharmacy	f. Stables
2. CLOISTER YARD with arcades	19. BLOOD-LETTING HOUSE	20. CEMETERY AND ORCHARD with graves and trees	47. BARN FOR COWS AND COWHERDS
a. Gallery for meetings	20. CEMETERY AND ORCHARD with graves and trees	21. LODGING FOR VISITING MONKS with fireplaces and privy	a. Central chamber with open hearth
3. MONKS DORMITORY WITH WARM- ING-ROOM (below)	21. LODGING FOR VISITING MONKS with fireplaces and privy	22. LODGING OF MASTER OF THE EXTERNAL SCHOOL with fireplace and privy	b. Stables
4. MONKS' PRIVY	22. LODGING OF MASTER OF THE EXTERNAL SCHOOL with fireplace and privy	23. LODGING OF PORTER with fireplace and privy	c. Servants' sleeping quarters
5. MONKS LAUNDRY AND BATH HOUSE (above)	23. LODGING OF PORTER with fireplace and privy		48. BARN FOR SWINE AND SWINHERDS
6. MONKS REPECTORY WITH VESTIARY (above)			a. Central chamber with open hearth
7. MONKS KITCHEN			b. Pens
8. MONKS' BAKE AND BREW HOUSE, with servants quarters (a)			c. Servants' sleeping quarters
			49. BARN FOR BROOD MARES AND COLTS AND THEIR KEEPERS
			a. Central chamber with open hearth
			b. Stables
			c. Servants' sleeping quarters

Figure 38.1c Key to modern plan of St Gall. Reproduced by courtesy of Richard E. Sullivan, University of Toronto Press.

the religious traditions they seek to explain, and despite the attractions of total history which situates religion within culture and looks to political, social and cultural conjunctures for explanations of religious change. First and foremost, the story of medieval monasticism has withstood the tests of time and revisionism because of the skilful and seductive writing of its modern narrators. Its overarching tripartite theme (and it includes many local and particular histories of rise and fall) of a heroic age, an apogee of brilliant achievement, followed by decline, has been neatly jointed into the conventional periodisation of the Middle Ages: monasticism's heroic age into the Dark Ages and the trials of Viking and Saracen attacks, its apogee into the mid-eleventh to thirteenth centuries with triumphant feudal states, new cities and newly constructed papal monarchy, its decline into the waning, warring and plague-ridden, and religiously privatised, later-medieval world.

A second and related point, though, is that the accounts of particular monastic institutions, and of monasticism in general, written by medieval monastic authors themselves already fit the paradigm – which might arouse the suspicion that the paradigm itself depends on medieval monastic histories. The great abbots are Dark Age heroes spreading the Faith to the heathen and counselling the mighty – Benedict of Monte Cassino, Pope Gregory the Great, Columbanus of Bobbio, Cuthbert of Lindisfarne, Boniface of Crediton and Fulda, Odo of Cluny – or they are reformers and remodellers of institutions, avatars of a papally centred properly Christianised world in which a new internalised spirituality replaced the ritualised formalism of Cluny as the New Testament replaced the Old – here Bernard of Clairvaux takes centre-stage, flanked by such representative figures as the monk-theologian Hugh of St Victor and the monk-bishop Hugh of Lincoln (Constable 1996). For medieval monks, all these were exemplary figures, memorable through their own often voluminous writings, or because other monks wrote memorably about them. As for the few women in the story (objects of increasing interest today), Hild of Whitby epitomises the heroic age, and Hildegard of Bingen the progressive movements of the twelfth-century renaissance (Wormald 1993; Flanagan 1989). In the later Middle Ages, the most written-about religious figures, and most widely read writings, were no longer monastic. Whereas throughout the centuries from the sixth to the twelfth monasteries had housed nearly all such learning as there was (nearly all classical texts have been transmitted through manuscripts copied in earlier medieval monasteries) and intellectuals were monks (Ganz 1995; Contreni 1995; Constable 1996; Iogna-Prat 1998), thereafter universities with their professional masters took over (Le Goff 1957). The new religious leaders, Francis and Dominic, were intimately involved with the needs of the secular world, indeed saw their primary responsibility as action in the world to save souls: hence their followers' key role in combating heresy (Southern 1970; Lambert 1992; Lawrence 1994; Biller ch. 20 in this volume). The friars lived neither as hermits nor as cenobites: in the early days, they begged their daily bread, and their establishments were always located in the towns, where they found their sustenance and their work (Le Goff 1968, 1970; Lawrence 1994). Rather than belonging in the story of medieval monasticism, therefore, they provided alternatives for it, in new social environments. Friars dominated university teaching. They took the Benedictines' and Cistercians' place in the sun of lay patronage, especially in towns (though Oxford, where the Benedictines were never quite overshadowed by the friars, was an exception [Dobson 1997]). Histories written, as

most now were, by friars or by laymen or secular clergy (that is, priests or canons), usually for consumption at royal or princely courts in urban settings, no longer privileged monastic experience, interested though their authors still were in religious events. Compare the narratives of Bede, Ralph Glaber or Orderic Vitalis, with the world evoked by Salimbene.

A third, less obvious, reason for the persisting prominence of the story of monasticism in medieval historiography is that modern sociologists of religion, from Durkheim and Weber onwards, have stressed monasticism's distinctive role in the Christian tradition and hence in the emerging distinctiveness of the West already before the modern period. For Weber, monks were religious *virtuosi* whose individual charismatic power was subsequently routinised, canalised and institution-alised in monastic communities. Monasticism typified 'the "rational restlessness" of Christianity . . . committed to improving the world' (Mann 1986: 388, quoting Weber; cf. Scharf 1970: 139, 142–6). Monks were the advance guard of ecclesiastical culture, which directly (as ideological base) or indirectly (as competitor, hence inspirer of imitation) gave rise to the medieval polities that emerged from the Carolingian period and, more permanently, the twelfth and thirteenth centuries onwards (Weber 1965: (ii) 1170–3, 1175–6). It is a curious fact that the seminal work done in the early decades of the twentieth century on the historical sociology of religion has never been revised. For their data, Weber and Wach relied on Harnack. For his, Mann relies on Weber. But the data are not inert, as you can see from a glance at more recent historiography. The sociologists (who themselves seldom if ever consult historical primary sources) are then quoted by well-intentioned social historians, who nevertheless rely (however grudgingly) on their colleagues specialising in ecclesiastical history, who in turn tend to rely on straight readings, often, say, Knowles's readings, of medieval monastic writers.

The pitfalls for medieval historians are easier to list than to avoid (as the present writer knows all too well). The sources for monasticism are *parti pris* – chronicles written by monks, or charters produced by monastic scribes to record the gifts and 'record' the motivations of lay donors – or else they are prescriptive – monastic Rules; canons of church councils; privileges granted by bishops and popes. The chronicles, mostly eleventh- and twelfth-century products, were driven by apologetic and polemic priorities: that is, monks wanted to justify reform and the need for (re)endowment by offering explanations for decline and decay, either in terms of external attack (Vikings, Saracens) or in terms of the unwelcome attentions of neighbouring patrons-turned-predators. Successful reform was attributed to lay heart-searching and renewed piety, evoked by the efforts of inspirational abbots and exemplary communities. Monastic maledictions, that is, cursings of predators, were often depicted in charters, and sometimes in chronicles too (which quite often contained forged charters to clinch their central argument), as the crucial factors in softening lay hearts (Little 1993). Central Italy offers nice examples of both ways of explaining decline, the twelfth-century Chronicle of San Vincenzo invoking external pressure, the eleventh-century Chronicle of Monte Cassino greedy neighbours. The Viking card was played in Gaul at Fécamp and Aldeneik, in England at Ely; the local predators card was played in Gaul at Gembloux, in England at Abingdon. Modern historians have generally been content to reproduce monastic chronicles. Decline in the ninth and tenth centuries is still attributed, and not only in popular histories,

either to Vikings and Saracens, though careful regional research on particular monasteries has generally sustained a revisionist view (Riché 1981: ch. XX; Dierkens 1985: 330–1), or to ‘the church in the power of laymen’, even though recent studies have shown compellingly and in detail that lay patronage was a monastery’s life-blood (Searle 1980; Rosenwein 1989; Barthélemy 1993; Bull 1993) and that particular churches had many laymen, including many creditors, in *their* power (Wickham 1988: 180–268; White 1988). The polemics of twelfth-century Cistercians are still cited to prove the spiritual deficiencies – empty formalism, vicarious piety – of Dark Age (including Cluniac) monasticism, though such evidence is self-evidently anything but hard.

Here are some methodological rules of thumb extracted from recent work on the cultural history of the Middle Ages. (There has not been space to apply all of them in this chapter, but the point of this book is to provoke and inspire as well as inform.)

- I Start with prescriptive sources – monastic Rules, episcopal regulations, papal privileges and so forth – but always ask what *their* sources are, and what were their authors’ specific contexts and agendas; be prepared for many a slip between prescription and practice, even where such slips can’t be documented. Distinguish between chronicles: though each presents problems of its own, the more reliable tend to be those written nearer to events they describe, and the more plausible those that explain a monastery’s ups and downs in terms of abbots and their internal policies and/or their relations with rulers. Examples would be the *Gesta* of the abbots of St Wandrille (Wood 1995), Ekkehard of St Gall (Nelson 1999a; de Jong 2000), Jocelyn of Brakelond (*Chronicle*, ed. Greenway and Sayers 1989; Carlyle 1843).



Figure 38.2 Wall-painting of an unidentified abbot. South reliquary niche, San Vincenzo al Volturno, discovered in 1994. Reproduced by permission of Professor R. Hodges, University of East Anglia.

- 2 Handle with care the evidence of charters making grants to monasteries: beware the bias of scribes who were themselves members of those monasteries (beneficiary diplomatic); beware the use of formulae; beware historians' tendency to be deceived by what look like descriptions of substantial novelty but may only be novelties of form (Barthélemy 1993; 19–127, Stafford 1998; White 1996; Reuter 1996). Also beware inferences from varying quantities of charters: diminished volume may not mean decline in the monastery's endowment, let alone its spiritual well-being. For monasteries, like women, go through life-cycles. The generation or two following foundation often sees the amassing of large estates, first around the core endowment, then further afield. Thereafter the flow of new grants will dwindle, as the monastery digests, and manages better, what it already has (Innes 2000).
- 3 Take change into account but never treat its timing or tempo as foregone conclusions. Consider, in the light of the increased availability of bullion and money in the central Middle Ages, the implications of major monastic endowments, such as the Spanish royal largesse that paid for Cluny's new church (1085/8), in bullion rather than land; or the frequency with which monasteries were given local churches as profitable concerns (Bishko 1989: ch. II; Duby 1973: 61–82). At the same time, beware of exaggerating the novelty of the twelfth century in the history of monasticism. Take Cistercian polemic with a pinch of salt (Buc ch. 13 in this volume; cf. Leyser 1984): on the one hand, set it against evidence that the twelfth century was not an age of decline for Cluniac monasticism but in many ways its apogee, with new daughter houses still being founded, and the abbacy of Peter the Venerable imposing Cluny's stamp on the twelfth-century renaissance (Iogna-Prat 1998); on the other hand, reflect that the Cistercians' way with the world never, even in the early days, immunised them to materialism and political involvement (Alfonso 1989). Dip into Walter Map!
- 4 Read the sociologists – but read them critically. There are historical insights in Weber, Mann, Foucault, Bourdieu, to be found nowhere else. They deserve their celebrity. Equally, their histories are only as good as the historians they read. The past is usually less tidy than their syntheses suggest. Be ready to tweak where necessary.
- 5 Use the evidence of aerial photography, archaeology and art history, because, though the material visible is less 'hard' than historians sometimes like to think, it offers a different take on monasticism (Knowles and St Joseph 1952; Heitz 1963; Brooke 1974; Hodges and Mitchell 1985; Gilchrist 1994; Rabe 1995; Sullivan 1999). Visualise each monastery in a landscape, which may turn out to have been, literally, and recalling the etymology of *monachos* and *eremos/eremita*, an isolated place, such as an island or a peninsula: Lérins . . . Noirmoutier . . . Lindisfarne . . . Iona . . . Skellig Michael . . . Monte Gargano Athos . . . Reichenau, but, equally and alternatively, may always have been urban/sub-urban: St Denis, Paris; St Martin, Tours; St Remi, Rheims; St Martial, Limoges; St Cybard, Angoulême; St Alban, Mainz; Sant'Ambrogio, Milan; or itself have been the nucleus of an urban centre: St Vaast, Arras; Bury St Edmunds. Never forget that medieval monasticism was always a very diverse phenomenon: despite the recurrent efforts of reformers, standardisation would always be a mirage.

- 6 Use gender as a category of analysis (Scott 1986; L'Hermite-Leclercq 1989). Compare monastic recruitment for women/girls and men/boys, and compare the changing tempi of recruitment in convents and male houses. Compare the sizes of male and female communities. Ask whether women's experience of monasticism meant rethinking femininity in ways similar, or different, to monastic men's rethinking of masculinity. Compare the conceptions, on the part of those outside monasteries, of women within and men within. Compare (thanks to archaeology) the scales, locations, layouts, material finds, of male and female monastic sites (Gilchrist 1994). Be willing to recognise, and explain, difference in terms of gender.
- 7 Finally, after all the caveats about the treacherousness of texts, read and reread some of the written evidence. Unfortunately, much that is eminently readable has never been translated from Latin. But it makes sense to start, as so many medieval people did, with the Rule of St Benedict, which has been often and sensitively translated. Once you know it well enough to appreciate some nuances, and not least its biblical quotations, you will catch its echoes in many other medieval places – and you will have gained an entrée into a number of medieval worlds. You will spot, for instance, Benedict's recommendation of the Rule of Basil, and reflect that monasticism predates and so transcends the schism between eastern and western Christendom. You may recoil from the rigours of a routine that impressed those medieval people who came from outside monasteries to witness, and, they believed, benefit from, what went on within. (Charlemagne wrote to monks throughout his empire, 'Just as whoever seeks you for the Lord's sake and for the nobility of your holy way of life (*sanctae conversationis nobilitas*) is edified, when you have been seen, by the impression you make, so may they be instructed by your wisdom, perceived in your reading and singing, and give thanks to the Lord Almighty and go away rejoicing' (*Epistola de litteris colendis*, late eighth century). You may ask yourself why the activities of this tiny minority were credited with that capacity to benefit the vast majority: as Charlemagne declared to his people at large, 'We believe the life and chastity of monks to be the source of the greatest hope of salvation for all Christians' (MGH Cap I, no. 33 (802), c. 17: 94–5). You will smile perhaps (and wonder whether Benedict intended that) to find this Rule described as one for beginners.

* * *

Benedict saw monasteries as vulnerable to two kinds of danger, or temptation. The first was discord arising from within the community. Of the 73 chapters in Benedict's Rule, the early ones (cc. 2–5) discuss the authority of the abbot, advising how he should deal with the undisciplined and restless (c. 2), and warn monks against following 'the will of their own heart' (c. 3), against anger and treacherous thoughts (c. 4), and against slow or lukewarm obedience or 'murmuring' (c. 5). The later chapters warn against allowing the prior (the second-in-command) to become a rival focus of authority to the abbot, which led to 'grave scandals . . . envies and violent disputes' as monks 'currying favour with one side or the other run into perdition' (c. 65). Benedict's solution to the potential problem of tyrannical priors was to have them always appointed by the abbot himself, not by the bishop. Benedict warned against resistance to the abbot's commands 'even when those commands

are impossible to carry out' (c. 68); against a monk's making personal protection arrangements on grounds of kinship (c. 69); against presumption and the issuing of 'private orders' (*privata imperia*, c. 71); against impatience with fellow-monks' weaknesses of body or mind (c. 72). Wilfulness and self-interest; pride in relation to the abbot; faction: these were the prime dangers. Benedict himself, according to his biographer Gregory the Great (*Dialogues*, Book II), had plenty of experience of a variety of such environments. At one stage in his career, his monks tried to poison him. For all his insistence on stability, Benedict knew when to move on. Where detailed evidence survives, it begins to look as if few medieval monasteries were without dissension, and many abbots were threatened with assassination. The authors of monastic histories offer so many examples of internal disputes on just the faultlines Benedict had foreseen that you might suspect an element of literary imitation, or even individual abbots' self-projection as imitators of Benedict. When, during his fairly brief spell as abbot of the Breton monastery of St Gildas, Peter Abelard's monks attempted to poison him, he felt fully justified in abandoning his post, just as Benedict had his (Clanchy 1998: 144–5, 246–9).

But such stories are not just literary confections. The strains of life in a monastic community were real enough, and so the temptations of monastic life were also its everyday occurrences. In one sense, enclosure bred tensions. In other senses, monasteries were anything but enclosed: they were in fact all too open to the intrusions of the world. In the early ninth century, such problems can be followed up in detail through the *Brief Account of an Earnest Request* (*Supplex Libellus*), of 812 (Semmler 1963: 320–27; cf. de Jong 1995: 646–50). It describes troubles at the monastery of Fulda in the years immediately preceding its composition, and refers the monks' case against Abbot Ratgar to the judgement of Charlemagne. The document presupposes a twofold general context: on the one hand, that of monastic reform, for (as noted above), Charlemagne was concerned about standards of prayer and observance and wanted the Rule of Benedict adopted in communities throughout his empire; on the other hand, that of *raison d'état*, for the Carolingian regime established in 751 depended heavily on ecclesiastical and not least monastic resources, of prayer, gifts, hospitality, and military service performed by tenants on monastic estates, and hence abbots, recruited from the noble elite of the empire, were enrolled as senior agents of government and expected to behave as such – they were, as Weber said of the later Cluniacs and Premonstratensians, 'notables whose very moderate asceticism . . . was limited to what was compatible with their status' (Weber 1965: (ii) 1168). Part of this general context emerges from the first section of the Fulda document:

We request Your Piety, O most merciful emperor, that permission be granted us to maintain the form of prayers, psalm-singing and vigils that our forefathers (*patres*) kept for our friends living and dead, that is:

- daily prayer for you, Lord Augustus, and for your children and for all the Christian people, every morning when we have assembled together in one body and a chapter from the Rule is read before the brethren, and arising after the reading we chant three times the verse 'God make haste to help us', adding 'Glory to the Father', and on bended knees we sing the fiftieth psalm together with verses and a collect

- every Monday of each week prayer for all who give us alms, that is, again, the fiftieth psalm, which the whole congregation, prostrate together, has sung by the body of the Blessed Martyr [St Boniface], with the Lord's Prayer and verses; and that commemoration of our dead brothers which we have held twice daily, that is, after morning and evening celebration [of mass], namely the antiphon 'Eternal rest' and the first part of the psalm 'A hymn is fitting for Thee, O God', a verse and a collect
- on the first of every month, a vigil and fifty psalms
- every year, for Abbot Sturm and the founders of this monastery, on the day of their death, a vigil and a psalter [i.e. all 150 psalms]

Preaching to the converted, in the shape of the emperor and his advisers, the monks could preface their case with a programmatic statement (giving it maximum impact) of the regime's reliance on monastic prayer. Not all monasteries proved reliable: in newly conquered Lombard Italy, the abbot of San Vincenzo had allegedly refused in 783 to chant Psalm 54 for the safety of the ruler and his children, and gone on to insult Charlemagne ('If I hadn't been so concerned about the monastery . . ., I'd have treated him as I would a dog!') and the Franks ('If only no more Franks had been left here than I could hump on my shoulder!'). The abbot was peremptorily summoned to Charlemagne's presence, accused of *infidelitas* – treason – and suspended from office (*Codex Carolinus* 66, 67, ed. Gundlach: 593–7). The monks of Fulda in 812, by contrast, were proclaiming their well-known fidelity and usefulness, not only to the emperor, but to 'our friends', that is, to the monastery's many benefactors among the Franks and the Saxons. Fulda by this time was a very large monastery: in 835/6, 602 inmates were listed by name. Some were Franks, others were Saxons. For Fulda, Boniface's foundation, and burial-place, was also a border-place, located in the frontier-zone where the Franks' lands met those of the Saxons, hence on the front line of missionary activity when the Franks conquered the Saxons in the late eighth century. Plentiful charter evidence shows how wide, and well-placed, was the circle of Fulda's friends. The best and greatest friend was of course Charlemagne himself. At his court Boniface was said to have anointed Charlemagne's father king of the Franks in 751 – the first Frankish king to be inaugurated thus. Boniface's disciple, Abbot Sturm, had been Charlemagne's keen supporter and adviser in the young king's difficult early years. The monks had the best tunes and knew how to play them attractively.

The *Brief Account's* particular context was the monks' grievances against Abbot Ratgar. For instance in sections V, and X:

[We request] that there be greater care of the infirm, that is, compassion for the old and sick, and that they should not be afflicted with shortage of food nor worn down by poor quality of clothing, nor vexed with any other unsuitable treatment, such as not being allowed to carry a stick to support themselves, nor, when they are still, to use a walking-stick (*inclinatorium*), or as we call it a *formula*, because a poor-sighted man or a lame man cannot walk properly without the support of a stick, nor can a frail man kneel without a *formula*. We ask this so that such men should not be thrown out of the monastery on the grounds that they are a burden, which can result in their being settled in individual cells

under the charge of laymen and dying without confession or necessary deathbed rites (*viaticum*).

[We request] that it be allowed us to have food and clothing as those who came before laid down for us, because our first abbot, Sturm, stayed at the monastery of St Benedict [on Monte Cassino] for a year and then came back here according to St Boniface's choice, and laid down that their [rules about] food and clothing be used by us. A number of men who were witnesses of this are still alive.

Here, the monks complain of the abbot's harsh treatment on sensitive points. Their appeal to their house's tradition (Sturm, Boniface, Benedict) is telling. Section XV indicates the disruptive effects of private economic interests on the life of the community, and suggests that the abbot is to blame:

[We request] that private business and secular arrangements (*privata negotia et saecularia beneficia*) and the division of possessions and fields should not be made in the place of the monastery itself, because from such things arise disputes, 'contentions, rivalries, angers, violent quarrels', hatreds, 'dissensions, envies' [the quotes are from St Paul, Galatians 5, 20–1], furtive feastings and drinking-bouts and almost every kind of evil and things contrary to our salvation. Rather, all the lands and cells should be for all the brothers in common and all men who live in the place of the monastery should receive their clothing from the same *vestiarius* and the prior or cellarer dispense them. Nor should any trading be carried on openly there by anyone, but all things should be common to all.

Two further sections identify forms of particularly arbitrary and burdensome behaviour on Ratgar's part. Section XII shows that his huge rebuilding programme for Fulda had laid intolerable burdens not only on the monastery's peasants, but on the brethren themselves:

[We request] that there be no place for huge and superfluous buildings and other such useless things. By these, the brethren are wearied and made anxious beyond measure, and our peasant households (*familiae*) outside our walls are destroyed. Rather, let everything be done according to moderation and good sense. Let it be permitted to the brethren, according to the Rule, to have time free for reading at certain hours, and likewise to work at other hours.

Section XVII refers to a murder for which the abbot is held indirectly responsible because of his policy of allowing 'wicked men' entry into the monastic enclosure:

[We request] that men who are wicked and inclined to violence and all too ready to perpetrate every kind of crime should not be gathered within the monastery – as occurred in the case of that homicidal cleric who killed a monk. That cleric was placed within the monastery against the will and consent of all the brethren. For we are afraid that perhaps the kinsmen of the dead monk may be inflamed, by diabolical persuasion, to avenge him, and so murder will be

increased. Further, those who, on account of their crimes and wickedness, could not remain among secular men must not be gathered in droves in the neighbourhood of the monastery, because they ravage the monastic buildings by their thieving and they infest neighbouring places by their criminal acts.

The monks propose a solution in the two final sections (XIX and XX):

[We request] that that abbot himself be made to correct his actions. . . . [W]e wish above all . . . that we may have unity and peace with our abbot as we had with our former abbots, and that we may have a sense in him of kindness and warm feeling, generosity and modesty; and that he should be good to the sick, merciful to those who do wrong, affable to the brethren, a consoler of those that grieve, a helper of those who toil, a giver of aid to those who are well-disposed, and encourager of those who fight the good fight, one who re-fires those who are tiring, who sustains those who are failing, who restores those who are falling; someone who loves all the brethren, hates none, and persecutes none of them with deceit of malice or hate, one who never becomes angered in his look nor aroused in his mind, who is not excessively harsh in judgement, nor obstinate in his own opinions, but rather a man cheerful in face, joyful in mind, discrete in deeds, ready to agree to all that is beneficial. When any one of the brethren might chance to be caught in some misdeed, [the abbot] should not immediately torment him with tyrannical revenge, but instead should hasten to correct him with kindly discipline, and when the wrong-doer has repented, should receive him kindly and not burden him any further with bad suspicions nor drive him away with ongoing hatred.

The monks' proposed remedy is in line with Fulda's traditions, and with the Rule itself – indeed Section XX's model abbot is Benedict's – but it does not address the twin



Figure 38.3 Painted bench, in shades of bright red and blue, in assembly room at San Vincenzo al Volturno. Picture supplied by University of East Anglia, Norwich.

problems of the monks' individual economic interests, and the persistence of individual kin-ties and kin-obligations linking members of the community to those outside it.

Benedict had identified these problems too. Not only did the world clamour for entry to the monastery through letters and gifts sent by kin to inmates (c. 54 of the Rule prohibited the reception of those things): already in Benedict's day, child oblation, that is, the offering of a child by his kin, as a standard method of monastic recruitment gave high-status families the means to forge long-term relationships of mutual benefit with monastic communities. Chapter 59 of the Rule explains:

If it should happen that someone from among the nobles offers or gives his son to God in a monastery, if the child is still at the age of minority, let his *parentes* (parents, kin) make a petition . . . and then at the offertory let them wrap the petition and the child's hand in the altar-cloth and so let them offer him. As regards their property, let them promise . . . that they will never give him anything or give him an opportunity of possessing anything. But if they do not want to do that, and if they wish to offer something to the monastery in alms for their own benefit (*pro mercede sua*), let them give a donation to the monastery from the property they want to give, retaining a life-interest in the income (*usufructuarium*) for themselves if they wish.

The prohibition on a monk's possessing individual property, for his own benefit, which was a fundamental requirement of the cenobitic life (Rule c. 33), is here immediately qualified by the concession that his kin may give to the monastery for their own benefit. By the ninth century, such a bond would be formalised in terms of kinsfolk's access to the community's prayers and resources as 'friends'. Their names would be inscribed in the Book of Life, containing lists, sometimes amounting to tens of thousands of names, of those individuals for whom the community offered prayers (Schmidt 1978; de Jong 1995). As for oblation, Hildemar, commenting on the Rule in c.850, said that Benedict 'ordered the child to be offered with an offering (*cum oblatione*) so that by this what was shown externally might signify what was actually being done, namely, that as an offering is made as a sacrifice to the Lord, so this child too is made a sacrifice to the Lord'.

Oblation was the normal form of monastic recruitment for boys in the earlier Middle Ages (Boswell 1988). The evidence for women's houses is very much thinner; and in some cases, anyway, it looks as if parents might put their daughter in a convent when she reached marriageable age as a stopgap measure, protecting her until a suitable spouse was found or an alternative decision made (Venarde 1998). The implications of all this for child-givers, for oblates, and for monasticism itself, have only recently been fully appraised by Mayke de Jong in an important book (de Jong 1996; cf. Nelson 1992). Sacrifice, and the expectation of vicarious reward for donors through the prayers of the child, lay at the heart of the system. Monasteries offered special care for their oblates, and carefully educated them to maintain liturgical tradition. Though, in the nature of things, few cases of a child's distress or resentment are documented, there is one spectacular ninth-century case of an oblate who tried to return to the world. Again, the monastery is Fulda, and the oblate was a Saxon noble named Gottschalk. His objections turned on a technicality in the ritual offering, and did not challenge the system as such. Abbot Hrabanus of Fulda

nevertheless produced a spirited defence of the system, stressing biblical authority in the shape of Samuel's oblation to the temple, and affirming the religious exchange-value of gifts, whether of persons or property – and of course in oblation the two went together. For the most part, the interior tensions evoked in individuals by the monastic life, or even by exposure to its ascetic standards at one remove, as in the case of pious laymen (Nelson 1999b), are seldom even hinted at in our evidence.

While continuing parental interest in oblates is very rarely documented (though it may well have existed, especially when the chosen monastery was a local one), it is very clear that donors retained an interest in property given to monasteries. Such gifts were pledges of a social bond between the donor and the monastery which was the institutional embodiment, on earth, of a saint with power in heaven (or, though comparatively rarely, of the Blessed Virgin Mary, or of the Saviour). To give was to consort with a saint or God Himself (McLaughlin 1994). Thus to give to Cluny, for instance, was to become the neighbour of St Peter (Rosenwein 1989). The monastery gave protection, social as well as spiritual. The donor in return gave physical protection to the monastery, and also, on occasion, expected economic benefit in the form of rights of usufruct or life-interest, sometimes for several lives. But the monastery could also make grants of property it had already. Again there is a parallel with economic provisions determined by a woman's life-cycle, when a family would earmark property for the sustenance of married-in wives and widows. The woman had a life-interest only: thus such property would return, over time, to the (husband's) family to be re-assigned. Something similar could happen with precarial grants, that is, temporary grants made in response to someone's prayers (*preces*) for supernatural help. Monasteries, or rather their abbots, often found many advantages in arrangements that provided them with military and political help (Wood 1995; Wickham 1988; Rosenwein 1989; Fouracre 1995). But abbatial decisions did not always meet with the community's approval. At St Wandrille, near Rouen, for instance, the early eighth-century abbot Teutsind was berated a century or so later by a monk of that house:

What sort of a lover of God Teutsind was, what sort of supporter of churches, is shown by the works he did in this monastery . . . in the days not of his rule but of his tyranny . . . All the most noble properties were removed and this once glorious monastery fell into poverty. For he took almost a third of its property and transferred it to the possession of his relatives.

(Wood 1995: 36)

Reading between the lines of the *Brief Account*, it looks as if Abbot Ratgar had done something similar at Fulda. By and large, the solution to such conflicts of interest was to earmark some of the monastery's lands for the sustenance of the community. Despite the scare stories, most abbots reached a *modus vivendi* with their monks, on the one hand, the monastery's friends, and where necessary the king, on the other. What Giles Constable recently wrote of twelfth-century monasteries could go in most respects for the rest of the Middle Ages too:

The records . . . , especially the charters and obituaries, are filled with references to familiars, co-brothers and co-sisters, devotees, friends, adult oblates, and all sorts of people who in some way or another had attached themselves to the

religious institutions. Very little is known about such relationships, but they were presumably considered mutually beneficial, like those between religious, educational, and cultural institutions today and their benefactors, patrons and friends – the same old terms – who in return for donations receive prestige, invitations to dinners and receptions, and secular immortality on a bronze plaque, bench, or bookplate or, if they give enough, a building. Medieval monasteries likewise received property and other types of help from benefactors, whose names were entered in necrologies and obituaries and who were given spiritual and sometimes material support of various kinds . . . But it was presumably a matter of opinion who got the best of the bargain.

(Constable 1996: 84–5; cf. Constable 1972)

It's clearly too simple to see the prioritising of 'private' relationships over collective interests as the main threat to medieval monasticism. True, both the Rule and the *Brief Account* used the term 'private' to stigmatise individual arrangements that subverted the community. Yet personal ties, such as the bonds of kinship or gift-exchange, were also what provided every monastery's support system: networks of living relationships, including both the quick and the dead. They were part of monasticism's *raison d'être* from one end of the Middle Ages to the other; and they were as true of women's houses as of men's as, in their different ways, the ladies of Zamora and the Claresses show (Linehan 1997).

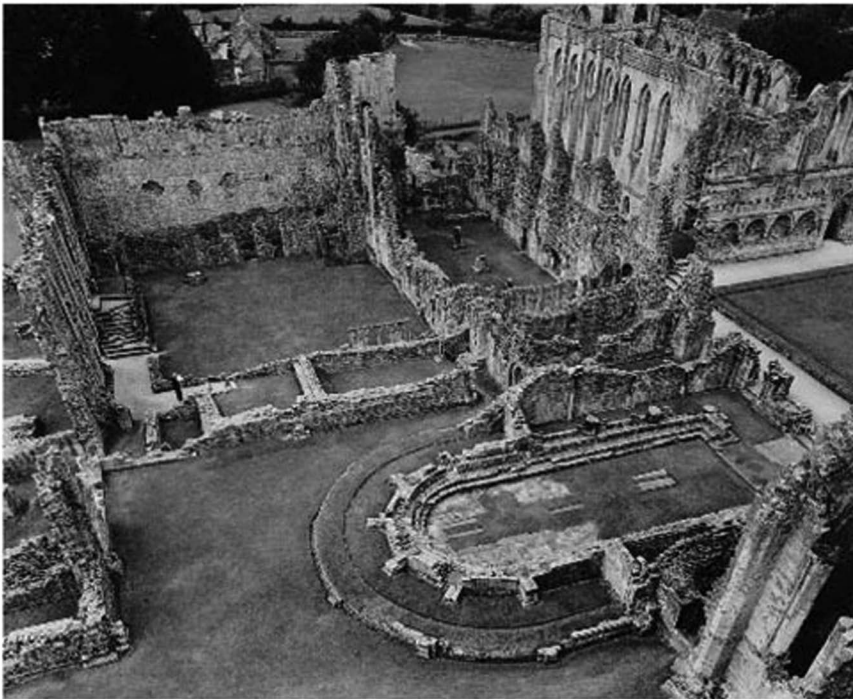


Figure 38.4 The chapter house and eastern claustral range, Rievaulx, Yorkshire.
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Changes there nevertheless were during the twelfth and thirteenth centuries, and they persisted thereafter. This chapter will end with an attempt to strike a balance between change and continuity, and some reflections, in the light of that, on later medieval 'decline'. One significant aspect of change was the appearance of criticism of child oblation, first, and stridently, from Cistercian polemicists (for the Cistercians recruited only adults – with significant consequences [Leclercq 1979]), and soon after, with cool logic, from canon lawyers, who challenged the validity of any commitment to personal *conversio* made involuntarily and vicariously, without the rational consent of an adult (Berend 1986; cf. Brooke 1989). The gift of the child could only be conditional: once having reached the age of consent, the oblate must either confirm his parents' decision, or decide to leave the monastery. There is in fact little evidence that adolescent oblates (any more than young people reaching marriageable, nor betrothable, age) were really given freedom of choice, nor that monasteries dwindled through the haemorrhaging of oblates. Yet monastic populations certainly did diminish in the later Middle Ages. On the other hand, Jocelyn of Brakelond's *Chronicle of Bury St Edmunds* (Greenway and Sayers 1989) provides c.1200 exceptionally rich evidence of continuity in the material and social exigencies of monastic life: in short, of experiences and concerns very similar to those voiced by the author of the *Brief Account* written at Fulda four centuries earlier. It's worth recalling that Thomas Carlyle in the mid-nineteenth century used Jocelyn's text as his entrée to a medieval past which he thought (would we think otherwise?) had lessons to teach modern times (Carlyle 1843: II, 115, 117, 123–4, 159–60, 160–1). Historians choose their texts for the lessons they prioritise: Abbot Ailred's Rievaulx would provide an equally vivid picture of twelfth-century monastic life and in many respects a telling contrast to Jocelyn's, but that is another story (Walter Daniel, *Vita Ailredi*).

Jocelyn's St Edmunds was, as English monasteries went, a large community, numbering some 80 monks. It had been patronised by kings since Anglo-Saxon times, and in the twelfth century, as well as possessing an extensive territorial lordship, exercised large powers of local government in Suffolk, as direct agent of the king. For Jocelyn, who seems to have been a child oblate to St Edmunds, the critical factor in the monastery's well-being was the quality of its abbot. He begins with a devastating indictment of Abbot Hugh (1157–80):

He was a good and devout monk, but lacked ability in business matters . . . Although discipline, worship and everything connected with the Rule [of Benedict] flourished within the cloister, external affairs were badly managed . . . The abbot's villages were leased out . . . The abbot sought refuge and consolation in a single remedy: that of borrowing money.

(Greenway and Sayers 1989: 3)

When Hugh died, the monks' 'free election' was in fact subjected to intensive royal interference, Henry II 'acting for the good of his kingdom' (Greenway and Sayers 1989: 15–22). The new abbot, Samson (1180–1202), understood his obligations to the king: when the papal legate (who also happened to be bishop of Ely, hence *ex officio* St Edmunds' neighbour and frequent sparring-partner) 'issued decrees against the black monks' (the Benedictines, so called from their black robes)

and criticized the abbots, confining them to a fixed number of horses, Samson replied, 'We shall not accept any decree that is contrary to the Rule of St Benedict, which allows abbots complete control over their monks. My task is to protect the Barony [i.e. the lordship] of St Edmund and his rights: thirteen horses are sufficient for some other abbots, but not for me, as I need more in the essential administration of royal justice'.

(Greenway and Sayers 1989: 49)

Samson took in hand the management of the monastery's estates, recording rents due in an account-book: 'He looked in this book every day, as if it were a mirror reflecting his own integrity' (Greenway and Sayers 1989: 27). Even for Jocelyn, who on the whole admired him, Samson could not always maintain the right balance between priorities: 'The abbot appeared to prefer the active to the contemplative life, in that he praised good obedientiaries (monastic officials) more highly than good cloister monks . . . When he chanced to hear of any Church leader resigning his pastoral work to become a hermit, he would not utter one word of commendation' (Greenway and Sayers 1989: 37). Jocelyn does not record Samson's reaction to news of monks becoming bishops. Samson's relations with the monks were chequered. Though a division between the abbot's and the community's lands had been made earlier in the twelfth century, conflicts of economic interests focused on control over the flourishing town of Bury St Edmunds (Sayers 1990; cf. White 1958). In principle, the monks owned the town, its rents, market dues and tolls. In practice, the abbot appointed not only the monastic officers, notably the prior, but also lay servants, such as the gate-keeper, who were local worthies and sometimes the abbot's relatives. In 1199, following disputes between the community and the gate-keeper, and while the abbot was away on one of his periodic visits to London, the prior took it upon himself to suspend the gate-keeper's perks. The gate-keeper complained to the abbot, who decided on a show of strength, and demanded full restitution for the gate-keeper.

Then there was great uproar in the convent, such as I have never seen before, and it was said that the abbot's command should not be obeyed . . . Then the abbot . . . frightened some by threats, won over others by flattery, and isolated from the rest of the community the more important of the monks (who seemed to be afraid of his very cassock), so that the words of the gospel were fulfilled: 'Every kingdom divided against itself shall be brought to desolation' (Matt. 12: 25). And the abbot declared that he would not associate with us at all, because of the plots and sworn agreements which he alleged we had made, to stab him to death with our knives. . . . [A few days later] with tears streaming down, the abbot swore that he had never lamented so much as this over anything . . . and most especially because of the stain of an evil report . . . to the effect that the monks of St Edmund's wanted to murder their abbot . . . He stood up weeping, and embraced everyone with the kiss of peace. He wept: we wept too.

(Greenway and Sayers 1989: 104–5)

The financial aspects of this dispute, and its urban context, were specific to the late twelfth century. But the underlying tensions were the old ones – just as kisses and tears were old solutions.

Finally: some thoughts on ‘decline’, demography, individual career choices, and later medieval options. ‘Decline’ is partly a trick of the evidential light. Just as the investigations of papal legates – investigations mounted as a consequence of political intrigues in high places – reveal the misconduct of nuns and local friars at Zamora in thirteenth-century Spain (Linehan 1997), so the detailed records of bishops’ registers lift the veil on the derelictions of nuns in fourteenth- and fifteenth-century England (Power 1922). Scandal makes good copy. But we have no good reason to assume that standards of monastic conduct were higher in the less well-documented earlier medieval centuries. (Incidental references in miracle stories to the presence of prostitutes in the environs of ninth-century monasteries in Francia and Wessex give suitable grounds for caution.) Judicial inquiries are less likely than miracle stories to attest spirituality. Readers may, for that matter, be thinking that there has been all too little evidence of spirituality in this chapter. Yet deep spiritual anxieties surely underlay Charlemagne’s concerns over monastic observance (‘the life and chastity of monks is the source of the greatest hope of salvation for all Christians’); and the monastic oblation of the young Samson sometime around 1140 apparently followed on a dream experienced as defining by the boy himself:

He once told the story of how, when he was a boy of nine, he dreamt that he was standing in front of the cemetery gate of St Edmund, when the devil, with outstretched arms, tried to seize him, but St Edmund was near and rescued him, taking him in his arms. As he cried out in his dream, ‘Help me, St Edmund!’ . . ., he woke up. His mother was astounded . . . and when he told her his dream she took him to pray at St Edmund’s shrine. As they arrived at the cemetery gate, he exclaimed, ‘Mother, this is the place! Look, that is the gate I saw in my dream when the devil tried to take me.’ . . . The abbot himself interpreted the dream: the devil represented worldly pleasure which would have tempted him, but St Edmund embraced him, wishing him to become a monk of his church.

(Greenway and Sayers 1989: 34)

Individual spiritual experience could inspire and sustain monastic vocations throughout the medieval centuries. Yet it is the case that the numbers of monastic inmates fell dramatically, and across the board, in the later Middle Ages. The historian who suggested that demographic pressures on aristocratic inheritances powered the growth in monasticism between c.1050 and c.1150 was no materialist or cynic (Wollasch 1980). The same pressures, in other words, that drove so many young nobles to seek temporal fortunes in ventures overseas or in frontiers, or in chivalrous deeds that won the hands of heiresses, impelled others towards Cistercian or Templar vocations (Barthélemy, Paterson, chs. 14 and 16 in this volume). Conversely, declining numbers of monastic recruits could be seen in terms of two sorts of diminishing demand. First, from the viewpoint of potential recruits and their parents, broader options, specifically for choosers of the pen and the spoken word rather than the sword, marked the thirteenth century and after. There were more jobs, just as there were more heiresses, to be had in towns and urban businesses. At the same time, huge numbers of places – parishes, vicarages, canonries, chaplaincies and clerkships – became available in the secular church, and the growth of papal government constituted, among other things, a system for

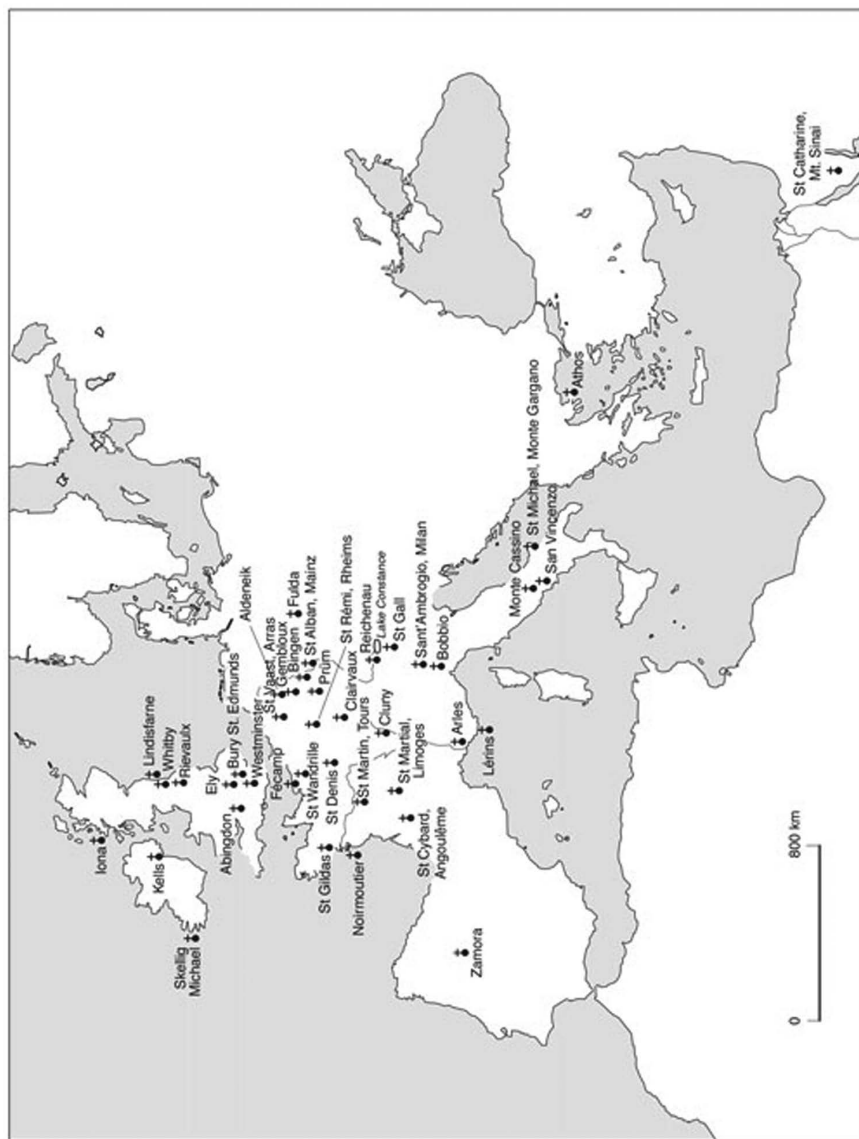


Figure 38.5 Some medieval monastic centres.

allocating these (Lawrence in this volume, ch. 42). Parental direction remained the primary determinant of career choice, but parents now saw the schools and universities as the most promising training-grounds, courts and government service the most promising openings, for likely lads. Here as in other sectors, the post-Plague conditions of the late Middle Ages strengthened the hands of sellers in the labour market.

Demand can be looked at, secondly, from the standpoint of potential patrons, for, given the cycle of gains and losses, large communities needed a steady accretion of economically viable properties and social support in managing those, to offset inevitable writing-off of the less viable or disputed. If donations to monasteries diminished, that was because donors concerned for next-worldly benefits chose to invest in other religious providers. In the case of Westminster Abbey, the high-watermark of lay patronage can be seen c.1200; thereafter, though personal links between certain families and the abbey continued to be renewed across the generations, contacts between the monks and the local laity on the whole diminished, whether through the monks' growing aloofness or because lay patrons preferred to endow the parish church or local charitable foundations (Rosser 1989: 255–63). The friars picked up many smaller gifts (often in cash). Still more did chantry priests, devoted to the performance of private masses for individual dead. In general the secular church benefited more than the monastic: perhaps because at least some of the secular clergy, of whom celibacy was increasingly required in practice and not just in theory, could offer the special spiritual attractions of sexual purity (Swanson 1999). For the Westminster monks by 1500, beef, eaten in a purpose-built room known, aptly, as the misericord ('mercy'), had apparently 'edged pottage off the menu'; and it is not clear that the beef was boiled (which might have discorded less with monastic custom) rather than roasted (Harvey 1993: 43, 51). Within monasticism, cycles of reform and renewal continued, but on a more restricted scale. There were simply too many alternative options. And, finally, there was the option – as there had been when upper-class monasticism began, but now no longer limited to the upper classes – of leading a life of rigorous piety at home. In that sense, it was not decline, but expansion, combining a kind of democratisation with privatisation, that was the hallmark of later medieval spirituality as of later medieval culture.

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1. Collective and general works

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- Sarris, P. (2011) *Empires of Faith: The Fall of Rome to the Rise of Islam*, Oxford: Oxford University Press; covers aspects of monasticism in chapters 6 and 9.
- Smith, J.M.H. (2005) *Europe After Rome: A New Cultural History 500–1000*, Oxford: Oxford University Press; covers aspects of monasticism in chapters 1, 4, 5 and 7.
- Wickham, C. (2009) *The Inheritance of Rome: A History of Europe from 400 to 1000*, London: Penguin; covers aspects of monasticism in chapters 8 and 22.

2. The problem of wealth and the importance of property

- Two books that have changed scholarly approaches to medieval monasticism are:
- Brown, P.R.L. (2012) *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350–550 AD*, Princeton: Princeton University Press. The author, a master in the history of late antiquity and cultural change, has often touched on wealth and property, but he has never before focused on it in a major work and with an eye to monasticism and the issue of monastic poverty; see especially the whole of Part II, Part III, chapter 18, and Part IV, chapter 25.
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CHAPTER THIRTY-NINE

ASPECTS OF THE EARLY MEDIEVAL PEASANT ECONOMY AS REVEALED IN THE POLYPTYCH OF PRÜM¹



Yoshiki Morimoto

INTRODUCTION

Historians for a long time viewed the economy and society of the early Middle Ages as static. The peasantry, in particular, were thought to have been not only poor but more or less immobile. Living in a self-sufficient way, they were allegedly sedentary, handing on their plots from father to son with little change. One great achievement of the socio-economic historiography of the Middle Ages – a field where enormous progress has been made in recent years – consists in the shattering of this image. Nowadays, historians are well aware that early medieval peasants, though poor, often had to journey outside their localities, sometimes going quite long distances. Medieval historians have shown, too, that peasants were in permanent contact with a money economy, often to quite a considerable extent. True, their bonds with the land they cultivated were close, but their holdings underwent changes of size from one generation to the next as the demographic configuration of their families shifted over time (Bonnassie 1990; Devroey 1993; Verhulst 1995, with further references).

The object of this chapter is to present this new and more dynamic picture of the economic life of the early medieval peasantry. With this end in view, I shall make use of a document that has received particularly close examination during the past twenty-five years: the Polyptych of the monastery of Prüm (Kuchenbuch 1978; Schwab 1983; Nolden 1993; Devroey 1993). It's well-known that the healthy state of research on the early Middle Ages owes a lot to archaeology. Yet the study of written sources has made a no less significant contribution thanks to progress in textual criticism. Nowadays we are much more aware of the gap between the text and historical reality, and the role of the text's producer(s), with their particular agenda, in creating that gap. Thanks to more careful and subtle interpretations of the written word, historians have become far more attentive to what writers and editors of texts intended. Modern, more rigorous, critical methods, have made it possible now to uncover the internal chronological stratigraphy of a document that on the surface seems to belong as a whole to a certain date. This chapter is one result of these recent advances in the study of written sources.



Figure 39.1 Polyptych of Prüm, Caesarius's copy of 1222: the first of three illustrations. Charlemagne and Pippin offer the church of Prüm to God. Koblenz, Germany, Landeshauptarchiv, MS. Abt. 18 – Nr. 2087, fo. 2v.

The term ‘polyptych’ – which means, literally, many leaves – denotes an inventory of material and human resources made on the orders of a great landed proprietor in the Carolingian period. It covers estates, the peasants living thereon, and, especially, the dues and labour-services owed by those peasants to their lord. Some thirty Carolingian polyptychs have survived, and they provide us with the best source-material for early medieval agrarian history. These documents were intensively studied in the

classic works of the nineteenth and early-twentieth centuries, but in recent decades there has been a new wave of research on them. A dozen polyptychs, including that of Prüm, have been re-edited, and a number of detailed studies have been published. Thanks to all this, a new way of exploiting these texts has emerged. We are no longer content just to derive from them a transverse section of rural society, but we are beginning to use them more dynamically: that is, to focus on deciphering change. This, in a nutshell, is why Carolingian polyptychs are proving to be very effective tools for breaking with the traditionally static image of early medieval peasant life (Morimoto 1988; Morimoto 1994).

From this standpoint, the Polyptych of Prüm, whose eleventh centenary was celebrated in 1993, has been particularly well studied. Not only is it one of three really large polyptychs, along with those of St Germain-des-Près, Paris and St Remi, Rheims, but it is the most detailed as far as burdens on the peasantry are concerned. Drawn up over a few years, around 893, and interpolated over the subsequent fifty years or so in the course of its use in estate management, the Polyptych of Prüm survives in a unique copy of 1222. The copyist was the former abbot Caesarius, and he supplied alongside his transcription a copious commentary including original information not just about his own times but also about earlier periods going right back to the early Middle Ages. The document as a whole lends itself extremely well to what I have suggested is the kind of dynamic exploitation characteristic of the genre. Using the different chronological layers visible in the original text, as well as the additional material in Caesarius's commentary, we can hope to reveal changes in socio-economic life on the monastery's estates. This is not the place to go further into the technical details of the research-methods involved. But the attentive reader will be able to see how the dynamic view developed in recent scholarship has been put to use in what follows.

While the polyptych was constructed by the monastic lord for the purposes of estate-management, it reveals a world in which life was organised under lordly control. Historians are currently debating how far the lordship, or *seigneurie*, structured the Carolingian agrarian regime.² There was certainly a lot of regional diversity. The great estate and its exploitation on behalf of its lord(s) were far more developed in the centre of the Frankish realm than at its periphery. In the Mediterranean zone, where the role of independent peasants and their communities were far larger than in the areas north of the Alps and north of the Loire, those peasants were in the process of being absorbed into lordships. This was especially true of northern and central Italy: peasants clung more tenaciously to their autonomous existence in southern France and northern Spain (Bonnassie 1991; Wickham 1994; Wickham 1995). In north-western Europe, England too saw the appearance of great estates, but these were not yet very strongly structured nor very widely diffused (Faith 1997). What Continental historians call the *domanial* regime was best established between the Loire and the Rhine (Verhulst 1992; Devroey 1993).³ This is the zone in which most of the places mentioned in the Polyptych of Prüm are to be found.

This chapter, using such evidence, is bound to describe peasant life already fully organised in a hierarchy under a lord's domination. This is a world we currently know much better, as far as the Carolingian period is concerned, than we know communities of more or less independent peasants. Yet the *domanial* regime certainly ought not to be considered virtually the only form of rural life at this time. I shall try to show in what follows that among those living on large monastic estates, there was

the manse as the fundamental peasant holding; labour services owed to the monastery; and the communications-network that put peasants in touch with the market.

THE MANSE

The Polyptych of Prüm consists of 118 chapters, each of which is essentially a description of one of the numerous estates distributed over a vast zone but most highly concentrated in some fifteen regions. The peasants were listed as tenants of some 1,750 manses spread unevenly across this collection of estates. The ninth-century manse was the normal basic unit of a peasant holding, comprising a dwelling, a cultivated area and the use of uncultivated land, the whole of which was deemed sufficient to maintain a family composed of a couple and their unmarried children and often some servants or slaves. When the Polyptych of Prüm gives the size of a manse, it ranges from between 5 and 15 hectares (approximately 12 to 37 acres). We know that the manse implied the notion of a unit that was stable over time: whoever held it from the lord would transmit tenure from father to son. But historians have often gone so far as to assert that this system imposed a rigid structure on the peasantry, and tended to limit, and even stifle, the development of the peasant economy.

On first reading, the Polyptych of Prüm presents an image of stability and rigidity, in particular, because it seems to have been drawn up on the principle of one manse held by one household. Only occasionally does the document register a manse occupied by more than one household or a fraction of a manse such as a half-manse or a quarter-manse. In line with their essentially static image of the peasant economy, modern experts have agreed that the principle of the manse as the basis of a family holding was strictly observed on the abbey's estates at the close of the ninth century. We shall show that the reality was something far more dynamic.

Chapters 45–51 of the Polyptych record a cluster of estates in the Ardennes which constituted the abbey's most westerly estates (Figure 39.3), and here we can find ample evidence of overpopulation and the splitting-up of manses.⁴ In these places, the compiler recorded the manses one by one, giving the names of the tenants on each, thus enabling us to count the number of tenants and of half- or quarter-manses in relation to the number of whole manses. Given due allowance for differences between the various estates, the statistics show that overpopulated or fractional manses comprised over 20 per cent of the total. Since the other chapters of the document are not so detailed, we have to look for fainter traces of similar conditions.

As far as overpopulation is concerned, we soon realise that its dimensions are largely concealed beneath the forms employed by the makers of the Polyptych. In most chapters, details are given only for a single manse selected as a model: the description of this model-manse, and particularly of the dues owed from it, is followed by a passage simply stating that 'x manses owed the same dues'. The compiler was mainly interested in registering the total revenue for each estate and hence had no need to trouble himself about what was going on within every manse. In cases where the model-manse was occupied by only a single family, then the rest of that entry went on to give no indication of any overpopulation of manses even when this was the actual situation on the majority of manses comprising that estate.

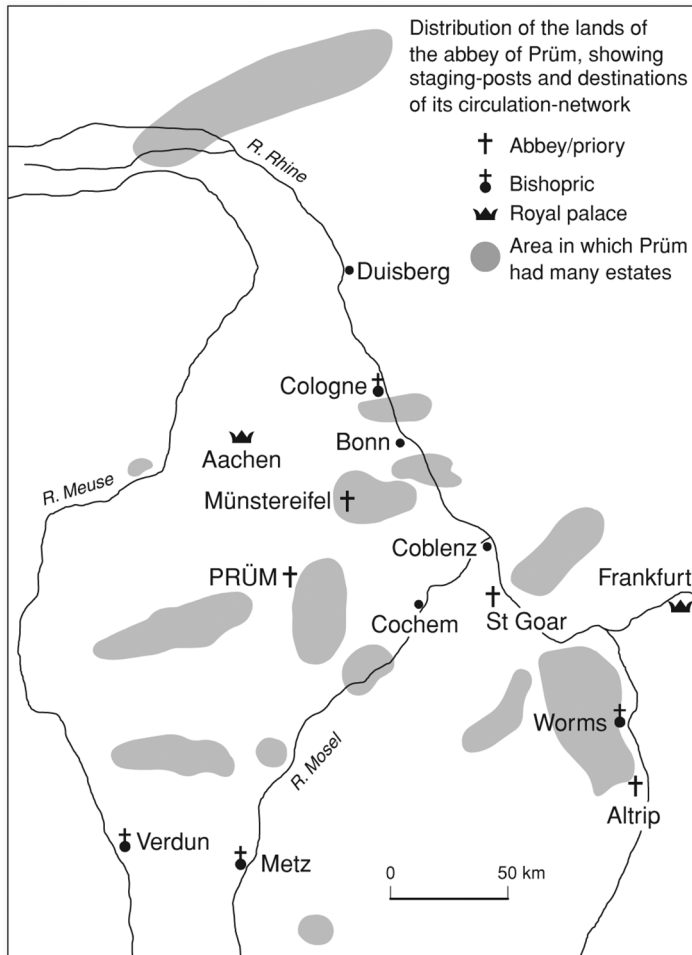


Figure 39.3 Map of estates of Prüm.

As far as the fractional manses were concerned, careful examination of the text reveals that this was equally, or even more, widespread on the estates outside the Ardennes than on those within that region. Here too, then, the formula conceals reality: the half- and quarter-manses that were actually recorded in the original listing could well have been ‘obliterated’ in the final editing of the text as it has come down to us. For instance, when an even number of half-manses existed on a particular estate, these could well have been totted up by pairs during the editing process, and so counted as whole manses. For similar reasons, we should not infer the existence of only one half-manse when the total of manses ends with a half-manse: for instance, ten-and-a-half manses could mean ten whole manses and one half-manse, but could equally well represent five whole manses and eleven halves. Taking all such technical details into account, and making use of that minority of chapters that are exceptionally revealing, we can feel fairly confident that the fractional manses accounted for

over 20 per cent of peasant manses on the estates outside the Ardennes region as well. In terms of the number of holdings, one example will be enough to give an impression of the high proportion of fractional holdings: on an estate of 25 manses, there may have been more than 10 half-manses, or 20 quarters, compared with 15 whole manses.

Thus, all over Prüm's estates, a manse occupied by a single household was far from being the rule that was actually followed. Nevertheless, we ought not to think of the manse system here as already significantly 'bastardised'. Taking due account of the findings of recent research on early medieval agrarian history, my view is that the manse system was indeed fully operational, but that it could adapt to the growth of the peasant economy.

Scholars have long tended to attribute all overpopulated or fractional manses to a process known as 'the decomposition of the manse'. On this model, demographic increase within a manse originally held by a single household allegedly resulted in first the overpopulation of the holding and then its division. Recent careful study of certain polyptychs that are especially detailed, including that of Prüm, has led to the conclusion that these phenomena could have resulted not only from a process of decomposition but equally from the formation of manses. The lord might grant to new peasant units, born during the favourable demographic conditions prevailing since the seventh century, holdings that corresponded theoretically to a half of a quarter of a manse. Some of these could become sufficiently consolidated for the holding to be large enough to form a whole manse. This process could come about most readily in areas where land was being brought into cultivation, or where land was in relatively plentiful supply and holdings were therefore liable to change their shape and size. It is true that to reach such conclusions, historians generally rely on circumstantial evidence. Yet more or less direct evidence is also supplied by two features to be observed in the Polyptych of Prüm. First, the service-holding of the estate-manager or -official often appears as a half-manse. Anxious not to create a situation in which confusion could arise over the allocation of duties, the lord needed to avoid carving a half-manse as a service-holding out of a pre-existing manse. Hence the half-manses assigned to estate-officers had to be created anew on land that until then had not been organised into manses. Secondly, the term *absus*, which in the Carolingian period signified a holding on which no tenant officially resided, appears often in the Polyptych of Prüm. The term is linked with whole manses and with fractions of manses. Here we have, already, a clear indication of more or less rapid changes among tenant-farmers. Some quarter-manses classified as *absi* were held by peasants listed among the tenants of other manses. Other *mansi absi*, however, were held by peasants whose names appeared nowhere else in the document. It is reasonable to infer that quarter-manses were being created anew. Some were assigned to peasants engaged in enlarging their holdings beyond their original manses, whereas others received new tenants.

On Prüm's estates, then, small peasant-holdings were being created as half-manses and quarter-manses at just the period when economic growth and a demographic rise within the whole manses were causing overpopulation and fragmentation. It follows that the manse-system, far from being fixed in some unrealisable theory of one manse per household, was able to preserve its vitality by continually adapting to the dynamism of the peasant economy which inevitably involved variation between family fortunes. Newly created or flexibly divided, the manse could guarantee a stable base for every peasant household at any given moment of its life-cycle.

On the other hand, the vitality of the manse on Prüm's estates was ensured by the system of renders and services. The Polyptych includes much information on dues and services imposed on overpopulated or fractional manses. These details show that the burdens laid on a peasant family-unit, whether occupying a manse together with other units (overpopulation) or whether the peasant held a half-manse or quarter-manse (that is, fractions of a manse), were levied at a relatively reduced rate compared with the dues required from a whole manse. The Polyptych actually terms half-manses 'those that do half-service'. In other words, the burdens on smaller tenements were significantly lighter than those on whole manses, and this allowed their tenants the chance to intensify their input and improve the holding. In such favourable conditions, peasants could increase their holding by bringing new land into cultivation or by renting new parcels of land. The manse system, as it appears in the Polyptych, could thus favour the small tenement, and this could provide a way for a worker temporarily deprived of land to be 'rehabilitated' as an autonomous producer.

This recipe for favouring small tenements through reduced burdens did not apply to servile manses, however. In the Carolingian period, there were certain legal categories of manse, the three main ones being free manses, semi-free (*lidiles*) manses, and servile manses. Originally, the first of these had been manses granted to former free men, the second to the half-free, and the third to those whose ancestors had been slaves but who were now in the process of becoming small-scale tenant-farmers. Usually servile manses were smaller than free or half-free ones, and they were more heavily burdened with dues and especially with labour services. On Prüm's estates, some 270 out of 1,750 manses were termed 'servile', as compared with 60 'free' and 230 'half-free' manses. The fact that the great majority of manses were given no label of this kind was the outcome of a process of evolution in which differences between the categories of manse had shrunk.⁵

According to the Polyptych, servile manses were much less liable to exhibit the traits of overpopulation and fragmentation than manses in the other two categories. Moreover, at one point, the Polyptych gives a clause which states that some half-manses owed a weekly service of three days, just as whole servile manses did. Apparently, in the case of the servile manses on the Prüm estates, the principle of demanding fewer dues for smaller tenements (as we saw with overpopulated or fractional manses) did not apply. In my view, the Polyptych of Prüm registers in the case of servile manses the factors operating at an early stage in the evolution of the manse, when smaller tenements assigned to former slaves contributed to the socio-economic improvement of such people, even though they were saddled with burdensome labour services. Proportionately reduced demands on smaller tenements, which were preferentially applied on Prüm's estates towards the end of the ninth century except in the case of servile manses, demonstrates once again the vitality of the manse: while old arrangements linked with slavery were on the way to disappearing, a new principle adapted to the growth of a more autonomous peasant economy was already well established.

LABOUR SERVICES

A peasant established more or less permanently as tenant of a manse, whether a whole manse, an overpopulated one, or a half- or quarter-section, owed the abbey of Prüm labour services and dues that were defined in terms of the manse. The

Polyptych offers much information on these burdens, and makes it clear that labour services were far more important than other dues and renders. Work dues, though they varied a great deal, can be classed under three heads: weekly service, annual service, and allotment service.

The Polyptych contains frequent references to labour service of three days a week. Such service was unspecified, and could be exacted for whatever agricultural or domestic tasks the lord's management might require. The peasant who owed it might not know what s/he would be required to do until they received orders from the lord's agent, perhaps that very morning. Recent research has emphasised two aspects of weekly service. First, while it had originally been developed as the main service of former slaves, it now affected peasant tenants and in the ninth century extended across a far broader spectrum of the estate population. Second, the three-days-a-week requirement expressed the idea that nearly half the peasant's labour belonged to the lord, leaving the rest to the tenant. In reality, such service could be lengthened beyond the three days or shortened so that less was demanded.

On Prüm's estates towards the end of the ninth century, weekly labour service was most closely associated with servile manses, though other manses too were often thus burdened. The Polyptych contains a number of significant signs that these demands were closely linked with arbitrary interventions on the part of the lord. In other polyptychs, work dues are often mentioned whose duration and heaviness had always been indeterminate but which are said to depend 'on the lord's will'. In the Prüm Polyptych too, some unfree tenants have to perform 'whatever the lord requires'. Weekly service and arbitrary service are often imposed on the same manse, and in some cases they are said to alternate seasonally, while in others the requirements are simply recorded one after the other without comment. In one entry, the Polyptych integrates the two types of labour service in a single formula: 'weekly, to do all that may have been commanded'. This curious expression symbolises the fact that the two types of service could be exacted in such a way that they amounted to more, or less, than three days a week. While weekly service was subject to the lord's arbitrary decision, the lord could hardly have extended such arbitrary service beyond a certain point without ruining the peasant holding.

Annual labour services form a second group. In most cases, these services are very well-defined in quantitative terms. Some are described as specific kinds of work: the marking-off and maintenance of fencing around a particular piece of land, the transport of a certain amount of wood, and other items. Other annual services are defined in terms of the duration of the work required: so many days' ploughing, harvesting, reaping, and so forth, on the lord's demesne. In the case of these major agricultural tasks, two workers per household might be required. The heaviest of these labour services was '15 nights' or '15 days', indicating that those liable had to work for two weeks consecutively, day and night, which enabled the lord to send peasants quite far from their homes. This is why such services were often associated with the transport of produce from estates.

Annual services were thus very variable and a relatively large amount of the Polyptych's details have to do with them. Quantitatively and qualitatively, though, these services were much more precisely defined than weekly services. The peasant was thus able to foresee what he would have to do in terms of annual requirements, and hence could adapt his work on his own holding to that rhythm. It was easier,

in other words, for the peasant to reconcile annual service with his own economic autonomy than it was in the case of weekly service.

A third type of labour service was assessed by allotment (*lot-corvée*), that is, a peasant was required to perform the whole cycle of agricultural work on an assigned parcel of the lord's demesne. Most of the Polyptych's chapters include this simple clause: *iii. iugera*. This reference to a particular bit of land, equivalent to some two hectares (approximately five acres) in extent, is always placed in the middle of the list of the peasant's services and renders. At first it seems hard to interpret. Caesarius helpfully provided an annotation on the phrase, however: 'It is clear to almost anyone how the tenant of the manse must use his time on the lord's *iugera* in ploughing, sowing, harvesting, storing in the barn, making enclosures, and threshing. I have therefore left these well-known details out of my transcription.' It looks as if the copyist, weary of repeating a long formula specifying the nature of allotment service in terms of major agricultural tasks, took the liberty of reducing all these simply to a statement of the area of the demesne allotted to each tenant. Yet Caesarius still thought it worthwhile to add a note summarising the essential demands listed in the omitted formulae. This note can thus be read as reproducing the essential words that defined allotment service in the original polyptych.

Completely freed from direct and arbitrary interventions on the part of the lord, allotment service was thus very different from weekly service. The peasant left to organise his own work was to that extent autonomous. On the lord's demesne, three 'fields', probably farmed on a system of triennial rotation which was certainly in use in this period, were cultivated exclusively by a tenant. What that tenant owed was work. The crop was stored directly in the lord's barn. Yet the tenant could adapt his work-schedule, in its various forms, to the labour he expended on his own tenement and he could thus farm as an appendage to that tenement whatever part of the demesne he had been allocated. It seems clear that allotment service, which originated as the primary service imposed on free men who fell under a lord's domination, favoured in the longer run a reduction in the amount of labour owed, since the part of the demesne involved would tend to be integrated into a peasant holding.

The Polyptych's description of labour services laid on particular manses could be long and detailed, sometimes, as just noted, listing a variety of agricultural tasks. Such entries sometimes allow the historian to infer change over time. Allotment service, created in the first place for free peasants, had frequently come to be imposed on servile tenements, while weekly service, originally demanded of the unfree, was a burden that lay on many free or semi-free tenements in the late ninth century. In some cases, the evidence suggests that if the peasants had performed all the services required of them, they would not have had enough time left to farm their own tenements. What we should infer is that the compiler of the document was determined to list every work service that could possibly be required from each manse, but that some of those services, once a reality at some time in the past, were more or less obsolete in 893. Consequently, it looks as if each year only part of the work due actually had to be performed. The lord's demands would vary with circumstances and, not least, with what the actual power-relationship between lord and peasant at a given time and place permitted. The Polyptych needs to be interpreted, not literally, but contextually!

In any event, the details about labour services thus yield a rich harvest of insights into how the early medieval peasant economy actually operated. Certainly, the

various work services constituted a heavy burden. They had been devised, after all, in the interests of lords and their estate-managers, whose demands, from the work-force's point of view, could often be fatally irregular and were often exacted in an arbitrary way. Nevertheless, there is another side to all this. A large number of these services were seasonally regular, and fixed as to quantity. Allotment work, though extensive and time-consuming, was actually carried out in ways that left the tenant a great deal of autonomy. Even when the main burden, for many unfree peasants, appeared in the Polyptych as an arbitrary service, it was nearly always exacted as three days a week. Thus while labour services were various, and certainly weighed heavily on the manses of Prüm's domain, the Polyptych shows that an autonomous peasant economy was deeply rooted in the forms and structures of estate-organisation.

COMMUNICATIONS AND MARKETS

Transport service figures conspicuously among the work services described in the Polyptych. It can be classed among annual services. It fell into two categories: the *angaria* (plural *angariae*) for the transport of heavy loads and the *scara* (plural *scaras*) for lighter ones. Recent studies of transport services on Prüm's estates reveal that the abbey's domain formed an extensive network of communication and trafficking. This research has produced two important findings: first, that the abbey's network was both internally complex and externally open to multiple contacts in the wider economy, and second that the part played by the tenants of manses in maintaining this network gave them regular contacts with the wider economy, hence with markets.

The *angaria* was a service imposed on the majority of tenants. It consisted of the duty of transporting, once or twice a year, in an ox-drawn cart or by boat, the produce of estates, usually grain or wine, but sometimes salt, flour or pigs. The amount, frequency and distance of the transport concerned varied greatly from one estate to another: in some cases, a tenant had to take a cart-load of wine more than 100 km. It was quite common for peasants to be away from home for up to a fortnight in performing such services: that is the implication of the 'fifteen nights' service mentioned so often in the Polyptych and used sometimes in reference to transport. Often, the text also specifies the destination of the *angaria*. Usually the goods were sent to the abbey of Prüm itself, or to one of its priories – Münstereifel, St Goar, or Altrip (see Figure 39.3). Occasionally, the specified destination was a place where Prüm had a house that served as a staging-post in the transport network: for instance, Cochem, Altenahr or Metz. Only two places outside Prüm's domain are mentioned as destinations: Aachen and Worms. Clearly the main purpose of the network run through *angariae* was to take agricultural surpluses from most of the abbey's estates and concentrate them at the centres of monastic life.

The geographical range of *scaras* was more limited: they were demanded above all from tenants on estates not far from Prüm, Münstereifel and Altrip. Some 30 tenants living close to the abbey were burdened with heavier *scaras* than their neighbours, and benefited from correspondingly lighter services of other kinds. These tenants were termed *scararii*, and their function shows that the monks recognised the need to be able to mobilise the transport of light goods whenever necessary. In the Polyptych, *scaras* are described in much less detail than are *angariae*. Among

items transported, there are single mentions of shirts, cloth, and salmon. Performing this service often involved the carrying of messages. A tenant might perform *scara* on horseback, on foot, or by boat. As destinations of *scarae*, the Polyptych mentions, not surprisingly, Prüm and its priories. It also mentions Duisberg and Cochem, two other places where the abbey had lands. Further, by contrast with the network maintained through *angariae*, the *scarae* network included more urban sites outside the abbey's estates: Aachen, Cologne, Bonn, Coblenz, Frankfurt and Verdun.

This sketch of Prüm's economic networks and the transport services that maintained them suggests two distinct systems. The first, based on *angariae*, was designed to provision the monastic community, while the second, based on *scarae*, was designed, at least in part, to facilitate the exchange of information and less bulky goods with the world beyond the monastery. Of the two types of transport service, the abbey devoted far more attention to *angariae* than to *scarae*. Yet that should not mislead us into thinking that the distribution of goods simply constituted an autarchic system focused on the monastery. True, there are elements of autarchy: the monks can be seen principally as consumers of goods produced on their estates and brought to them through the transport services required of their peasants. Yet the monastic economy, as reflected in the Polyptych, also presents another aspect, which is both commercial and monetary.

In the first place, on certain estates around Prüm and Altrip, market service was required of tenants whose job it was to help the monks to sell wine and salt. Part of the goods carried to the abbey or its priories was thus sold on the spot, probably to a clientele consisting of the inhabitants of the surrounding area. Though the Polyptych does not specifically mention these, corn and other grains have been shown by recent research to have been among the chief items of commerce in the Carolingian period, and so it seems possible that various kinds of grain were among the things the abbey sold to people in its neighbourhood.

Secondly, the Polyptych's chapter relating to Prüm's only salt-producing estate, which was situated in Lorraine, includes an order telling estate-managers to conduct an inquiry into the price of salt. Here the compiler shows a strong interest in this subject, and also knows something about perceptible fluctuations in salt prices. It seems clear that the monks of Prüm were in the business of selling wholesale at the best, that is, the most lucrative, time, part of their estates' produce transported by means of *angariae*. The purchasers would have been merchants rather than ordinary inhabitants, and the transactions could have been made at the nodes of economic circuits which were often situated in the urban centres of the period.

The Polyptych's fragmentary information has already revealed certain commercialised aspects of Prüm's circulatory network. A different type of source-material, namely royal charters granted to Prüm, gives further information on this subject. Frankish kings imposed various taxes on traffic throughout their realms, notably on purchases and sales as well as on the transit of goods. Prüm had already benefited from a series of exemptions. Charles the Simple's charter of 919 marked the high-point of these royal grants. On the one hand, the king ordered that at no market or port anywhere in his kingdom must any toll or sales tax be levied on the monks or their agents or their tenants who travelled about the kingdom on the abbey's business in its various forms. On the other hand, the king granted the abbey the right to establish a market, and to mint coin, at any place within its seigneurie.

It is admittedly difficult to know how far the monks of Prüm were really able to exploit these economic privileges. We have no documentary record of Prüm's rights having been put to use – no toll receipts, for instance! Nor, despite the huge progress made recently in the study of early medieval numismatics, has any coin been identified which was certainly struck on Prüm's authority in the Carolingian period. At best, all we can show is that markets operated near centres of Prüm's lordship, at Rommersheim very close to Prüm itself, for instance, and also at Münstereifel, St Goar and Altrip. Two bits of data, however, support the view that the picture of a monastery involved in a trading network – the picture conveyed by the charters – is not too far from early medieval realities.

First, some ten of Caesarius's annotations to the Polyptych relate to this subject. All of these notes stress the prosperity that Prüm had derived in the past from its economic network organised on the basis of transport services. Caesarius specifically links this network with commerce. For instance, in a note on Cochem, one of Prüm's estates on the river Mosel: 'the estate and the revenue that Prüm possessed of old are now lost and in the hands of vassals. In the old days, the abbey's wine and grain were carried to this estate to be sold here, or to be transported on to Prüm by means of the *angariae* of this place. The estates of the diocese of Worms had to perform *angariae* by boat to this same place.' This is a clear description of the way the network operated, in part through a series of exchanges. In Caesarius's view, all this belonged to the lost glory of his abbey, and he continued to explain that happy past in terms of the effective royal protection of the Carolingians. It seems permissible to regard Caesarius's testimony as supporting our picture of a ninth-century monastery at the heart of an economic system that had been to some extent commercialised.

Second, the Polyptych's frequent references to renders paid in cash show that peasants on Prüm's estates had permanent contact with money. Indeed dues in cash are specified for peasant tenants on almost every estate. Even when all allowance is made for large variations in the levels of these renders as between one tenant and another and between one estate and another, it remains the case that a tenant under Prüm's authority had to make regular payments came to at least some 10d., i.e. ten silver pennies, a year each. How else could they have acquired these coins than by selling part of the surplus of their own agricultural or artisanal produce in a market? They could easily have engaged in this trafficking on their own account while performing their transport services to the abbey. If Prüm's domain as a whole was open to exchanges, it is unsurprising that those who lived thereon, that is, more or less autonomous peasants, contrived to profit from this situation.

CONCLUSION

This chapter has not tried to claim that peasants on Prüm's domain in the late ninth century were active agents in a market economy. Agricultural techniques remained relatively primitive in the Carolingian period, and peasants were poor. They lived under lordly domination, and they were heavily burdened with services. By and large, they lived off what they produced for themselves, and led a more or less autarchic life. And yet, against those negative aspects of their existence, negative, at any rate, from the standpoint of economic development, we have to set other, positive,

aspects. These peasants, remember, were assured of stability of tenure, thanks to the manse system. Even those who had to begin with tiny plots were at least tenants who enjoyed some security. As producers, peasants defended a certain autonomy despite various labour services – indeed, in part, *by means of* those services. Involved in the circulation-network organised by their lord, and specifically required to transport goods to market, peasants could profit from markets on their own account.

Historians who specialise in the history of the early Middle Ages have long debated the nature of the economy and society of their chosen period. Indeed debate today remains livelier than ever. Before committing ourselves to a judgement, we ought to bear in mind that the early medieval peasant farm, the very foundation of the socio-economic structure of that period, presents two faces to the researcher. That ambivalence is precisely what I have tried to capture in writing this account of the peasants on the estates of Prüm.

NOTES

- 1 I am grateful to Jinty Nelson for translating this chapter from my original French.
- 2 Translator's note: the French word *seigneurie*, meaning a territorial lordship, is now well acclimatised in English; Davies 1988; Faith 1997.
- 3 'Estate' is used in this chapter to denote a substantial area of land owned by a lord in a particular locality. Its internal organisation varied. Under the domanial regime, the estate was bi-partite, that is, divided between a demesne (French: *réserve*, German: *Salland*), more or less geographically close to the residence of the lord or his agent and farmed directly by the lord using peasant labour services, and peasant tenements cultivated by tenants on their own account in return for various dues and services to the lord; Verhulst 1995: 488–9; cf. Devroey 1993, chapter 1, using the term 'manor' for what is here called an estate.
- 4 'Overpopulation' is used here in a technical sense, to denote the situation in which more than one nuclear family occupied a manse when the monastic inventory was made; Goetz 1995: 470–1; Verhulst 1995: 493, 496.
- 5 The ninth-century polyptychs show cases of peasant marriage across legal categories: e.g. free with half-free or unfree; Goetz 1995: 460. Thus we may infer that with the passage of time, intermarriage between free and half-free or unfree peasants and resultant transmissions of peasant holdings that cut across legal categories of people, together with decisions made by estate-managers and the formation of new manses, an original hypothetically tidy fit between free manses and free tenants, less free manses and less free tenants, had gradually changed into the complex varieties that confront us in the polyptychs. On Prüm's late-ninth-century estates, this mixture in status of peasant and tenement had led to a degree of indifference to legal categories: the great majority of tenants and manses appear in the Polyptych without any such qualification. A free peasant might farm (all or part of) an unfree manse, while an unfree peasant might farm (all or part of) a free one, and a peasant of any legal category might have a tenement consisting of both free and less free manses.

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CHAPTER FORTY

PRIVILEGE IN MEDIEVAL SOCIETIES FROM THE TWELFTH TO THE FOURTEENTH CENTURIES, OR: HOW THE EXCEPTION PROVES THE RULE



Alain Boureau

The Middle Ages were a time of privilege. This statement may seem surprising, given that the idea of privilege, vague and elusive as it is, is more often associated, both in the writings of historical actors of the eighteenth century (the *Essais sur les privilèges* of the *abbé* Sieyès in 1789 having been preceded by dozens of similar such pamphlets) and in the work of modern historians, with the end of the *ancien régime*. My purpose here, nevertheless, is to develop an argument that, during the period between the twelfth century and the fourteenth, the idea of privilege played a central role in social organisation and in the ways in which law was perceived.

In common parlance, privilege seems the opposite of law: whether attached to individuals or groups, it represents an exception resulting from an arbitrary decision, new or inherited. This opposition has long provided the template for an evolutionary and progressivist vision of the relationship between individuals and the law. The triumph of democracy, in Europe and in America, brought the suppression of privilege: thus, during the French Revolution, the night of 4 August 1789, when privileges were solemnly abolished, was followed soon after, on 26 August, by the Declaration of the Rights of Man.¹ This fundamental change from the inequality of privileges to a universal equality of rights was the basis on which the whole idea of an ‘ancien régime’ was retrospectively constructed. Societies based on a hierarchical system of order and privilege (Descimon and Guéry 1989: 325–48) were replaced by competitive (or fraternal) societies based on class and representation (Bigliadi 1993; Dölemeyer and Mohnhapt 1997, 1999). True, the early socialists of the nineteenth century were quick to denounce the camouflaged survival of ancient privilege: under the explicit forms of public, juridical rights, privileges implicitly ensured their own continuation within the substance of social domination. In modern French, where the idea of a bourgeois class has lost its sharpness, we cheerfully speak of ‘the privileged classes’. The whole sociology of Pierre Bourdieu could be read, indeed, as a decoding of implicit privileges, which go under the name of ‘symbolic domination’.

This disqualification of privilege, whether in the name of a philosophy of history, or of a sociology that is a-historical, has been subject to some revision, though. An important work of Émile Lousse (Lousse 1943) was devoted to a functional account

of privilege, presented as a key element in the contractual construction of the social: *ancien régime* privilege was essentially a collective thing, involving the exchange of service for remuneration that could be fiscal, material (especially consisting of landed property), or symbolic. Thus society as a whole operated in an ideal sense as a federation of differentiated groups, or, to use a metaphor that appears often in eighteenth-century arguments on corporations, like a series of interlocking rings. Lousse's study was not alone in its time. Indeed, what it so vigorously propounded were the results of a vast collective enquiry pursued since the 1930s throughout Europe into the subject of the *Ständestaat*, that is, the state built up from estates, orders, corporations and so forth. Moreover, the publication of Lousse's work in 1943, and the fact that the rest of these studies betrayed a certain sympathy for contemporary neo-corporatist regimes (Germany, Italy, France) somewhat blunted their impact. But recent work on micro-history, which has been devoted to relating even such institutions as craft-guilds, institutions which once seemed as stable as they appeared archaic, to their deep historical context, has revived interest in a functional understanding of privilege within the totality of the *ancien régime* (Cerutti 1990).

So what is the relevance of the central Middle Ages to this question of the historical meaning of privilege? We can observe, first of all, that the word 'privilege' became widespread from the twelfth century onwards both in canon law and in secular writing-offices. The *Liber Extra* compiled in 1234 on the orders of Pope Gregory IX, and which formed the second pillar of Church law right down to 1917, provides good evidence of how fashionable the idea of privilege was at that time: the whole of Book V, title 33 is devoted to it. Different legal rules defined its nature and uses. On the secular side, for instance, nearly all the official documents of King Philip Augustus of France are entitled privileges. Without bothering unduly about the precise content of a papal privilege, we can follow Gerd Tellenbach in noting the swift development of papal production of privileges: the number of papal documents issued in the tenth century is only one-fifth of that of the eleventh, and the second half of the eleventh century saw a doubling of the total in the first half (Tellenbach 1993: 68).

In the second place, the content of these privileges signalled major social and political changes, for it was through grants of privileges to communes or to monasteries that local 'liberties' were constructed. Susan Reynolds has underlined the importance of horizontal elements in society which historians had long ignored in their preoccupation with vertical and hierarchical structures (Reynolds 1997). Further, liberties or privileges engendered that collaboration between the local level and the level of the sovereign power which is probably at the root of the modern state and which, in any case, clearly announces the principle of a reciprocal exchange between service and privilege. The charter of liberties granted by Philip Augustus to the town of Tournai in 1188 offers a good example: here, the judicial and fiscal privileges conferred by the king, extensive by comparison with other contemporary grants of communal liberties, were the counterpart of the particularly heavy military services owed by a key frontier-town (Delaborde 1916: 268–74).

Third and last, a paradox: particular privileges contributed to the establishment in medieval societies of the idea and practice of a generally applicable law. The study of medieval privileges is thus part of the intellectual history of the construction of norms, at a crucial moment when two institutions, the papal Church and monarchic

State, both sought to monopolise control of what the norm was. During this period, indeed, the law was everywhere and nowhere: what some historians have termed ‘the legal renaissance of the twelfth century’ brought about both the widespread circulation of legal texts derived from Roman imperial law, and, at the same time, the assembling and systematic comparison of the canonistic texts that formed the Church’s legal tradition. In the thirteenth century, large numbers of collections of customary law (*coutumiers*) were produced. Yet all this legal literature had no binding status whatsoever. All of it remained a reference tool, which judges or advocates could use. At best, it might form the basis for an agreement between disputing parties. The shift to the idea of a law that was ‘common’ and binding on everyone came about slowly, but it was strengthened by the tendency of centralising institutions to reinforce it, and also by the principle of an ultimate court of appeal. But struggles and arguments over privilege also played an important role, for it was through them that ideas of sovereignty, liberty and equality came to be clarified – ideas too often falsely alleged to have been unthinkable in the Middle Ages.

Debates were lively because the ambivalence of privilege – a special favour imposed by an arbitrary power? or the just reward for a task accomplished? – was something people were conscious of, not least because it was embodied in texts from the moment when charters of liberties began to be produced on a large scale. A privilege, in its very essence, is a relative idea: an abuse in the mind of whoever is deprived of it, it is perceived as a lawful right by whoever benefits. This ambivalence is clear in Gratian’s *Decretum*, the great synthesis of canon law produced c.1140. On the one hand, Gratian reproduces Isidore of Seville’s famous etymology: ‘privileges are the laws of private individuals; they are so to speak private laws. For the privilege is thus called because it is issued for a private individual.’ On the other, though, he includes a letter sent by Nicholas II to the Milanese in 1059, which assigns a divine origin to the general privilege of the Roman Church:

the Roman Church has instituted the dignity of churches of every rank. God alone has established and built that Church on the Rock of a Faith that flourished so rapidly, He who confided to the holy key-bearer of eternal life the rights of the earthly empire and also of the heavenly one. The Roman Church has thus been founded not by any kind of earthly decision, but by that Word by which heaven and earth were made and by which all the elements were created. Truly the Church makes use of His privilege and exercises His authority. That is why there can be no doubt that whoever withholds from the Church that which is its due commits an injustice. Whoever tries to deny the Roman Church the privilege conferred on it by the Head of all churches falls indubitably into heresy.²

This strong papal statement can be readily understood in the context of what is often called the Gregorian Reform. It was from the end of the eleventh century that the four forms of clerical privilege became firmly established: canonical privilege, privilege of court, privilege of immunity and privilege of competence. Together these effectively withdrew the cleric from the secular world’s jurisdiction and from its fiscal and administrative control. From the more technical point of view of documentary production, it was one of Nicholas II’s predecessors, Leo IX (1049–54), who had instituted new forms for the drawing-up of privileges. At the very heart of

the Roman Church, however, there remained the memory of Isidore's etymological condemnation: thus when Pope Paschal II was forced to make the Treaty of Ponte Mammolo with the Emperor Henry V in April 1111, renouncing many of the gains made during the preceding papal – imperial conflict, the bishop and abbot of Monte Cassino, Bruno of Segni, followed by numerous members of the curia, denounced this *privilegium* made by an emperor accused of heresy as a *pravilegium* – 'a grant that was an act of depravity'.

Far beyond the particular context, this ambiguous view of privilege had a long history which we need to examine more closely if we are to pick up the thread of medieval debates. The first appearance of the Latin word privilege occurs in Cicero, who refers to a lost text of the Law of the Twelve Tables: 'The sacred laws, the Twelve Tables, forbade laws to be made for the benefit of private individuals: such is a privilege' (*Pro domo* 17, 43; cf. *De legibus* III, 44). Cicero's opinion had an immediate political thrust: in the last phase of the Republic, a protest had to be made against the forms of exception forced through by whichever political clan was in charge, and also against the Senate's laws designed *ad hoc* to secure a citizen's condemnation without a prior judgement. From the origins of the Principate, however, the word privilege began to acquire the positive connotations of a decision that brought a favourable outcome for its recipient. Privilege was a benefit, an act of grace, something additional which could not be harmful. With this grace-and-favour character went the fact that the granting of such a privilege was reserved for the highest power in the state: the Senate, and later, the *princeps* or the emperor. During the imperial period, the idea of privilege grew large, and came to absorb the related ideas of 'special right' (*ius speciale*) and 'prerogative'. In Justinian's reign, they began to use a key distinction, destined to have a great future in the Middle Ages, between 'privilege of person' and 'privilege of cause'. The latter, attached to a particular reason, or particular function, could be transmitted hereditarily, and could apply to groups (Garnsey 1970). Further, a privilege, demonstrating as it did the ruler's omnipotence and beneficence, and thanks to its lofty origin, came to constitute the noblest sort of right, alongside the imperial rescript or command. This was why the royal and imperial granting of privileges continued without interruption throughout the Middle Ages, from later Roman emperors and Merovingian kings onwards: eventually the term privilege came to denote any royal or imperial act of legislation, distinguished only by its documentary form, and quite removed from the tension that had existed during the Roman Empire between rights grounded in the law and those deriving from an act of political authority.

While the multiplication of secular privileges was due in part to the twelfth-century renaissance of Roman law, the papal privilege brought in another history: that of immunities and exceptions which, from the sixth century onwards, forbade royal judges and officials access to certain religious communities. Such a grant of immunity sometimes included a declaration of the community's independence from the jurisdiction of the local bishop. Instead of stopping to consider the specific religious context of this kind of immunity, historians for a long time saw therein the effects of the weakening of central powers forced to acknowledge the *de facto* independence of certain regions. On this view, immunities looked like a prelude to feudalism. Recent research, by contrast, has shown that immunities should be understood as symptoms of new kinds of relationship between the Church and secular powers,

signalled by the creation of sacred spaces (Davies and Fouracre 1995; Rosenwein 1999). Privileges were the expression of the Church's growing autonomy, but they were also a means whereby rulers conducted the politics of gift-exchange so typical of earlier medieval kingdoms. The Papacy played no more than a marginal role in the elaboration of early medieval privileges. But a turning-point came with the various foundation-charters and confirmation-privileges of the abbey of Cluny, from the early tenth century right up to Urban II's establishment in 1095 of a veritable consecrated area around the abbey-church which was declared immune to any kind of intrusion, whether lay or episcopal. The ownership of the monastery belonged to SS Peter and Paul: that gave Cluny both a papal guarantee and practical autonomy.

In the twelfth century, the general increase in attempts to get exemption-privileges on the Cluniac model went far beyond the modest and relatively infrequent immunities of the early Middle Ages. Now, and only now, did conflicts over jurisdiction become crucial, as territorial accumulations of seigneurial power, and the vigorous extension of areas under cultivation, made land a precious commodity, while bishoprics began to take shape as clearcut blocks of territorial jurisdiction.

It is hard to pin down the relationship between ecclesiastical privilege in practice and the exercise of secular liberties. To be sure, there is plenty of evidence for interactions between the secular and religious spheres. Magna Carta, which Sir James Holt called 'a privilege extended to the whole free population of England' (Holt 1992), begins with an affirmation of the liberties of the English Church; and in 1279, one of the first decisions of Archbishop John Pecham, at the Council of Reading, was to require that the text of Magna Carta be put up on the doors of all churches to proclaim loud and clear the lawfulness of the Church's liberties. Urban or corporate privileges, though, had rhythms of their own. It would be hard to exaggerate the autonomy of the authorities that issued them, especially in the case of the Italian communes whose model for exemption granted by the *princeps* for certain privileged categories derived directly from Roman law. The city-states demonstrated their sovereignty precisely by attaching their privileges to the city government. Thus, in fourteenth-century Siena, certain categories of noble were excluded from power (a negative privilege), while the Noveschi family, sprung from a merchant-banker class that had benefited from large fiscal and judicial exemptions, established an oligarchy (Bowski 1962). The very idea of citizenship had its origins in privilege, while various political changes in the cities were produced by the extension or restriction of privileges. The history of lay privilege cannot be pursued here: it includes a huge part of the social history of the central Middle Ages, and is intimately linked with the development of sworn associations, of craft-guilds, of urban governments. What we can trace in all that is a fragmentation of laws (*jura*), rights and claims associated with a particular function, rank or dignity. Yet the construction of medieval privilege cannot be reduced to some kind of prefiguration of the 'society of orders' embodied in the *ancien régime*. For one thing, a marked tension can be seen between privilege and its opposite, the common law. Further, there was hardly any way to express ideas of political contract. It was in the Church, and more specifically, around the Papacy, that these tensions were most evident, and that solutions were formulated. It is on this terrain, then, that our exploration will proceed.

The Cluniac model of direct dependence on the Holy See contributed something particularly substantial to the rise of a papal monarchy whose real power over local

churches had been quite weak until the eleventh century. It is no coincidence that the same period saw the birth of systematic canon law, and the establishment of dispensations and indulgences (Paulus 1922–3). Yet it would be wrong to exaggerate the significance of whatever direct dependence privileges created: exemptions were in fact nearly always open to debate and dispute, and became subjects of compromise-settlements and divisions whose practical effects – rights of visitation, fiscal and judicial benefits, freedom of abbatial elections, and so forth – meant a lot more than institutional independence or the link with the Holy See.

It was, above all, judicial procedures that increased papal power over local churches and firmly entrenched the idea (still only incipient in Gratian's 'private enterprise' work) of a common and binding law. The growth of appellate jurisdiction, evident from the mid-twelfth century on, drew many monks and bishops to Rome. The papal Curia played the game of refereeing for all it was worth: look at the 33 chapters of the *Liber Extra*'s title on Privileges, and you find that papal decisions, selected from a very large number of decretal letters, were split more or less 50/50 between those who favoured each of the two camps, bishops and monks. It was as if Gregory IX had deliberately expressed, through Raymond of Peñafort's work of compilation, the serene impartiality of papal justice. This nice balance corresponded to the need to marry the Papacy's direct power and the Church's fundamentally episcopal structure. Moreover, the judicial practice of debate over privileges came to constitute a veritable legal apprenticeship. Papal umpiring on privileges standardised procedures and forms of proof, and objectivised them. Litigants increasingly had to master the distinction between possession and ownership, the rules on the effects of prescription, the criteria for assessing the genuineness of documents (Boureau 2000). In the course of the twelfth century, there was a notable improvement in the quality of forgers' work: vice's tribute to judicial virtue. A striking instance of this pedagogy by privilege was given by Innocent III in a decretal of 1209 incorporated in the *Liber Extra*,³ which offered a real lesson in judicial logic and grammar where the drafting of privileges was concerned. The pope had to decide on the interpretation of a privilege granted to the monks of St Bertin, which read: 'We grant that the right to designate the abbot of the monastery of St Sylvain at Auxy-le-Château shall remain in your hands according to the custom of former times.' Well, noted Innocent, 'this phrase "according to the custom of former times" may be understood in a causal sense or in a conditional one: it could refer equally well to the personal [the verb "we grant"] or to the non-personal [the Latin infinitive corresponding to the verb "remain"]'. In the former case (the causal sense), the papal judgement would acknowledge a right; in the latter (the conditional sense), the papal judgement would accept the privilege only on condition that the alleged cause, namely custom, could in fact be verified. The simple form of the privilege raised itself to the level of a juridical text so that it could be minutely examined according to formal legal rules.

The skilful balancing-act performed by the Papacy between episcopal rules and monastic privileges, beneficial as it was to the establishment of a common jurisdiction and a common law, and based less on grand theoretical claims than on the everyday practice of chicanery, was ruined in the thirteenth century by the growth of the mendicant orders. Like the Cluniacs, the mendicants were the beneficiaries of a direct dependence on the Papacy. But while in the Cluniacs' case, that dependence had remained quite formal, and in jurisdictional disputes constituted only

one argument among others, the Dominicans and Franciscans made vigorous use of a long series of privileges allowing them not just to extract themselves from episcopal control but to open up gaps in what was properly the domain of bishops and priests, namely, the field of pastoral care (preaching, confession, the administration of the sacraments). The story of this steady process of intrusion, which continued with few interruptions from the end of Innocent IV's pontificate onwards, is a well-known one, and there is no time to re-tell it here. But it is worth pausing for a moment at a single significant episode: in 1281, Pope Martin IV published the bull *Ad fructus uberes*, which allowed mendicants the universal right to hear confessions and to grant absolutions, without needing the authorisation of either the bishop or the parish priest. This privilege provoked a lengthy dispute between the mendicants and the bishops. And the bishops were strongly supported by the masters of the University of Paris who found here the ideal grounds for picking another fight with their rivals and enemies the friars who had used papal help to defeat the masters on two previous occasions, in 1253–6, and in 1267–70 (Congar 1961–2). The dispute was long and intense because Martin IV's bull was, like so many classic privileges, equivocal: while the first paragraph established the privilege and justified it in terms of the spiritual benefits supplied by the friars' cooperation, the second paragraph added that 'nevertheless' (this *nihilominus* became the object of infinite semantic and syntactical glossing by both camps)⁴ the canon 'Utriusque sexus' of the Fourth Lateran Council (1215) remained in force, according to which the parish priest had to hear annual confessions from all parishioners. The contradiction was glaring, and it caused immense difficulties especially over the question of whether or not a sacrament could be repeated. A succession of popes down to 1290 refused to clarify what *Ad fructus uberes* meant. This *dissimulatio* (a legal term denoting a judge's deliberate decision on various grounds to leave critical elements of a case in suspense) raised, quite justifiably, a lively debate on the relationship of common law to privilege. The seculars, whose cleverest spokesman was Henry of Ghent, set out a strict hierarchy of the sources of law, in which divine law, embodied in Scripture, held the top place, above the norms promulgated by the four ecumenical councils of the universal Church, the sentences of the Fathers, and the canons of synods and councils. The papal privilege thus had less force than the canons of Lateran IV. The bishops' view of what was lawful rested on tradition, for they were the successors of the Apostles and the parish priests were the successors of the Disciples. The pope's authority was simply that of the successor of the first of the Apostles. On the mendicant side, where the most active participant was the Franciscan Richard of Mediavilla, the idea of institution prevailed over both tradition and inscription in Holy Writ. Divine Providence would provide for humankind's salvation according to the urgent requirements of different times. The Franciscans, for whom the influence of Joachim of Fiore and his followers had brought a historicisation of their conception of Providence, saw the status of the Apostles no longer as the origin of a continuous transmission, but as a model long-forgotten but reactivated by the coming of St Francis. The apostolic life could be restored through the interaction of Divine Grace with the voluntary choice of a group of chosen ones. For the Franciscans, then, Martin IV's privilege in no sense represented an accommodation: rather, it expressed the institutional recognition of their own Order as one providentially established in response to urgent need.

The debate over Martin IV's privilege was a critical moment. It summoned into being a whole arsenal of political and theological concepts essential to modernity. While Henry of Ghent's arguments prepared the way for the conciliarism of the fourteenth century, those of the mendicants, which linked privilege, papal sovereignty and divine Mission, laid the foundations of papal absolutism, one of whose strongest proponents was Duns Scotus. Both sides discovered, at the same time and in rivalry with each other, the foundations of a certain individualism that was legal and also political. For Henry of Ghent, the radical rejection of the distinction between absolute power and ordained power led to the idea of subjective natural right (Tierney 1997). The Franciscans' theology of divine mission, for its part, privileged the chosen over against common law and tradition alike. The Franciscan vow indeed constituted a kind of individual privilege, but one that was proclaimed by the individual himself. The Franciscans were delighted to take up again the famous papal decretal *Due sunt leges*,⁵ produced by Urban II (former Cluniac and author, as noted above, of Cluny's decisive privilege), which opposed the public law, binding on all, to the 'private law' of the Holy Spirit, which he declared 'worthier' than public law because it bound only to God. This was the complete reversal of the idea of 'private law', as found in Cicero and Isidore. The possibility of an individual and universal privilege (the forerunner of a subjective natural right) meant that, in the modern period, the Dutch and American Revolutions could be brought about in the name of respect for privilege.

A few years later, theological debates over the Immaculate Conception of Mary gave the opportunity for new enquiries into the relationship of privilege and law. From the first texts expounding immaculist devotion in the twelfth century, right down to Pius IX's bull instituting the dogma in 1854, the Immaculate Conception of Mary was presented as a privilege. This privilege prevailed over the most universal of universal laws, the natural (and even genetic) law of original sin. The opposite doctrine, in the thirteenth century, allowed only a dispensation from that law: Mary was sanctified *in utero*. This dispensation was rare but not unprecedented, for there were also the cases of Jeremiah and John the Baptist. The new doctrine, by contrast, meant that at the moment of the copulation of Mary's parents, the universal law did not apply. When some Franciscans worked out the most extreme system of justification for papal absolutism, the defence of privilege against common law, and usable illustrations of privilege, mattered a great deal. Ten years after the mendicants' battle against the bishops, it was hardly a coincidence that Duns Scotus was both the chief promoter of the cause of Mary the Immaculate, and the proponent of the profound theoretical distinction between God's absolute power and His ordained power – a distinction whose political offspring were to be so significant. But it is a less well-known English theologian, the Carmelite John Baconthorpe (c.1290–1348) who offers us a clearer understanding of the political implications of the definition of privilege and its relationship to the new definition of papal sovereignty, derived from divine sovereignty. Baconthorpe's case is all the more interesting in that he was responsible for producing a variant version of the doctrine of the Immaculate Conception. Around 1320, in his *Commentary on Peter Lombard* (Saggi 1955: 218–303), Baconthorpe pitched himself directly and energetically against the new doctrine. Then, around 1330, in his *Quodlibetic Questions* and in his *Commentary on Matthew*, he adopted a conciliatory position. Finally, around 1340, he opted

for an immaculatus view in his *Canonical Questions on Peter Lombard*. Another kind of evolution crossed with the first: while in his early work, Baconthorpe used theological, exegetical and scientific arguments, from 1330 onwards, in the two later stages of his thinking on the Virgin, law also came into play.

Thus, when writing his *Quodlibets*, Baconthorpe seems to have taken a politico-juridical turn, even though it is impossible to say whether this shift reflected a new direction in his career and intellectual interests, or if it was related, instead, to a new ecclesiological or political context. Towards 1330, Baconthorpe found himself in the curious situation of having to defend the legitimacy of the Feast of 8 of December (*Quodlibet*, Question III, 13), while still asserting that Christ alone had been conceived without sin (the immediately preceding Question III, 12). The juridical provocation to which Baconthorpe responded was the assertion of Duns Scotus, William de Ware and Pierre Auriol that Mary had been subjected to original sin by law (*de jure*) but not by fact (*de facto*). Baconthorpe contested this distinction: 'In law, where no privilege runs *de facto*, . . . it is foolhardy and against the nature of the law to allege a privilege *de facto*. For that would be to speak of privilege as if it privatised the law.' I have used the anachronistic verb 'to privatise', to translate 'legem privans', which goes back to Isidore. What Baconthorpe presents here is a restrictive conception of privilege: it recalls the severe warnings of St Bernard to Pope Eugenius III against the growth of exemptions far more than it does papal attempts, from Innocent III onwards, to produce a juridical construction of privilege, such as we find in Gregory IX's *Liber Extra*. At this stage in his thinking, Baconthorpe never referred to this source, although he used many citations from Gratian's *Decretum*.

In reaction against the juridical monstrosity concocted by Duns Scotus, Baconthorpe, writing a century after the *Liber Extra* was produced, set out a firm and precise definition of the lawfulness of privilege. In the first place, fact could not create law, because law, which is punitive in its essential nature, arises from a cause: 'transgression is the cause of law'. Law, in the most general sense, was instituted as a substitute for natural reason, weakened by original sin. Law is therefore caused both by universal fault and by an actual fault. Hence, what is perceived as a privilege is simply a case of the absence of a cause. If Christ is exempt from original sin, that was because his parents did not sleep together. Mary was conceived by her parents' carnal act: therefore, law applies. The second condition of privilege is that it has to be established 'according to a determined form' (*in certa forma*). In Mary's case, this form is not to be found in the Bible. In the third place, a privilege must specify explicitly the category of its beneficiaries. In the Bible we find a privilege granted to Mary which observes this condition, but this privilege relates only to sanctification *in utero*, as in the cases of Jeremiah and John the Baptist. In the fourth place, a privilege of exemption must specify the personal names of the beneficiaries. Only Christ fulfils these four criteria so far as the absence of original sin is concerned.

By means of some spectacularly acrobatic juridical and theological speculation, in his *Canonical Questions on Book IV of the Sentences* Baconthorpe rejoined the immaculatus camp. The first article of Distinction II, 3 affirms that Jesus alone was exempted from 'the law instituted by God' or 'the instituted common law'. Article 2 makes clear what Mary's status is. She was exempted from the common law in

respect of the fault or stain transmitted by her parents, but not in respect of the *necessity* of contracting fault. In other words, the link between necessity and its application, between the cause and the effect, has been broken. This necessity has been extinguished (*extincta*). In fact, the stain of the soul passes through the body wherein lies the cause and necessity of contamination. This solution involves nothing really surprising: it hardly differs from Duns Scotus's distinction between the situation *de jure* and the situation *de facto*.

Baconthorpe's reply is firmly set out in a statement backed by a number of different but convergent proofs: 'Speedily (*mox*) by a special privilege, at the moment of conception, the cause and the necessity of contracting original sin were extinguished in the Mother of God, in such a way that, by a private right, she did not contract that original sin which is termed fault and stain on the soul, although in other respects she remained under the common law, as I have said elsewhere.' This, then, is another invocation of privilege, but what is used now is the dossier of the *Liber Extra*, or rather in the *Liber Sextus*, which was generally favourable to the idea of a papal monopoly of authority with the force of law superior to the Law. There could be found a collection of citations, already in widespread use (so far as the *Liber Extra* went) during the disputes surrounding Martin IV's privilege, centring on the idea that the sovereign's beneficence must know no limit. A single example neutralises the juridical notion of causality established in the texts of the preceding phase. The transgression, as we recall, caused the law, made law appear; privilege could never suppress this fundamental bond. For this, Baconthorpe substituted a scenario in which the cause gets confused neither with the crime nor with the transgression. A location intended for use as a cult-site but which has not been consecrated remains profane. The lack of consecration does not in itself constitute a sin, but it is the potential cause of a sin, should a priest dare to celebrate a service in that place. There we have an instance of a cause 'of occasion', the theory of which had been developed in the thirteenth century by Roger Bacon and Henry of Ghent. Thereafter, what could slide in between cause and occasion, and neutralise the intention behind the cause, was privilege.

It was necessary to move from this possibility, which reinstalled privilege within the law, to a superior causality which located privilege above the law. We have seen that Mary enjoyed a privilege through an effect of private right (*jus privatum*). Here the 'private' loses its negative connotation. Isidorian etymology ('what privatises', 'what diminishes') is abandoned, and the private is understood, instead, as exceptional, justified by some higher reason. Baconthorpe re-used the arguments of theorists of individual inspiration, for instance, the theory of prophecy developed by Hugh of Saint-Cher, which had acquired a powerful new contemporary relevance amid the Franciscan disputes of the late thirteenth century. Baconthorpe referred to the private law of the Holy Spirit: 'As for someone who is guided by the private law of the Holy Spirit, no reason can require that he be constrained by the public law which has been established for transgressors'. In Mary's case, the superior cause justifying the grant of privilege is Providence itself: Mary was to bear God in her womb.

Baconthorpe then proceeds to a complete reversal of his earlier conception of the Law. The private law, or privilege, a distributive law, an exception by definition, directly inspired by the Holy Spirit, is superior in dignity to the common law whose general character pertains precisely to its punitive and human function.

Baconthorpe's argument on the divine privilege granted to Mary in fact highlights two characteristic features of temporality (that is, existence in the world of time) which had already been sketched in the thought of Innocent IV (Melloni 1990). Baconthorpe puts the case with firmness and clarity: sovereign power is justified by a providential mission in the future and also by its continual exercise of Creation in this world of the past and the present.

Returning to the question of Mary's providential mission, and the source of her privilege, we observe that one of the many biblical texts announcing the Virgin's future role is Genesis 3: 15, where God tells the serpent: 'I will put enmity between thee and the woman and between thy seed and her seed. She shall bruise thy head.'⁶ This prophecy, Baconthorpe comments, cannot relate to any woman born of the flesh, for 'such a woman would be unable to withhold from the Devil the capital right (*jus capitale*) that he wields over mankind because all human beings are conceived by semen and by copulation. The Devil's right arises from the necessity of human beings' contracting original sin'. Thus it was indeed Mary who was predestined and privileged so that she might bruise the serpent's head. The term *jus capitale* denotes precisely the right of life and death, or, to use medieval terms, high justice which was an essential preliminary to sovereignty (and we know what huge efforts late medieval and early modern monarchies devoted to the recovery of rights of high justice). By a privilege, Mary turned back against the Devil the very right he exercised over the heads of ordinary men, that is, men condemned by the Devil to spiritual death. Mary's mission, directed to redemption through Christ, also had a juridical and political meaning: it constituted a snatching of sovereignty, the power of life and death, from the Enemy of mankind. In a nutshell: the privileged woman passed on her privilege and, by using the private right that established her mission, performed a pre-eminent service for the Public Good.

The second essential feature of sovereignty shows up clearly in another argument based on Biblical exegesis. What matters here is to grasp the meaning of the word *mox*, 'speedily', which indicates the time of the process through which the cause was extinguished. Baconthorpe pondered the meaning of the opening words of Genesis (1: 2): 'The earth was without form, and void.' But how was it possible to imagine a state prior to, preliminary to, that of form, when the Creation had not yet taken place? A century earlier, Robert Grosseteste had reflected on this silence in the biblical text, and on this had based a non-Aristotelian ontology of creating light. Grosseteste's theory had considerable influence on English theologians and natural philosophers, thanks to John Pecham, and perhaps had some effect on Baconthorpe too. Before the Creation, matter and form did not exist. Nevertheless, the biblical expression, the famous *tohu-bohu* (Hebrew: *tohuwabohu*) presupposes a sort of amorphous existence in the very space where there ought to be the 'nothing' (*nihil*) implied by the concept of Creation *ex nihilo*. To talk about, or to imagine, Creation, we have to represent it as a chain of cause and effect: that is, a cause (or necessity) indicating a negative state, a lack of form, implies the positive state that is to follow, for it moves from before to after, leading to a state of unformed matter. But this 'before-and-after' unfolds 'not according to time, but according to the order of origin', for time itself must have been created by God. Even if Baconthorpe limits his exegetical justification for the ontological primacy of privilege over law to the moment of primordial Creation, it is easy to see how the argument fitted the idea of

permanent sovereignty, whether God's or the prince's, through the idea of continuous creation, whether of the world or of the *regnum*.

This second feature of sovereignty takes into account both the Creation, and the ongoing movement of the world in a sequence of change. Going back to a term that played a key role in Innocent IV's doctrine, I would like to call this feature Institution. Papal absolutism, in its gradual development from Innocent III to Boniface VIII, was based on this idea of a permanent institution of the law through its definition and promulgation by a series of popes. The bishops in the great dispute of 1281–90 kept setting against this doctrine a rival one, the idea of Christ's institution of the Church and of the Truth, in other words, the designation of the Twelve Apostles and of the 72 disciples. Baconthorpe's key contribution in his discussion of Mary was to reconsider the doctrine of Institution from the point of view of the subjects (common or privileged) of a sovereign power.

This brief intellectual history of medieval privilege has pointed up the emergence of certain fundamental ideas which I have labelled, perhaps rather anachronistically, 'sovereignty', 'citizenship', 'public good'. What the arguments in favour of privilege achieved, above all, was to make the idea of *positive law* at home in Europe. This was an essentially medieval idea. Its emergence as a term in tension with that of natural law can be observed at the beginning of the twelfth century. In Roman law, such an opposition would have been virtually meaningless, for there, incontestably, 'nature' was always instituted, and never prior to law (Thomas 1991: 201–27), except in the purely theoretical time-gaps of juridical fiction. Medieval Christianity, by contrast, had to introduce divine or natural law among the sources of law. On the other hand, positive law denoted law that came from human sources, whether arbitrary or customary. Otto Brunner in his famous book *Land und Herrschaft*, published in 1939 (Brunner 1992), claimed that the distinction between positive law and natural law could never acclimatise itself in Europe nor could it get beyond the limits of purely theoretical discussion, because, in the concrete reality of disputes, the idea of law was fundamentally rooted in the land, or in the people who lived on the land. But the continual practice of legal chicanery together with debates over secular and religious privileges – privileges which rested on both human decision and providential mission – conferred on positive law, so to speak, its letters of nobility: in other words, made it thoroughly respectable. The legal norm could now be thought of as something established at a moment in time; yet this no longer implied that there had been something lacking, or something limited, before: instead, it meant that the divine Will had made a detour into history. It would be wrong, nevertheless, to impute to the Middle Ages a unanimous and fervent adherence to the doctrine of privilege. Our illustrative material has shown that from the beginnings of systematic canonistic thought, any particular privilege became a point of tension between the two senses of the word 'privilege': was it a personal favour or the selection of a worthy individual? an arbitrary act of will, or an appointment to a special mission? The slow triumph of the society of orders in modern times, something social historians have to explain, certainly weakened this tension but did not remove it completely. It reappeared when privilege, having become fossilised, could no longer be used to express or document acceptable forms of cooperation between social groups.

NOTES

- 1 The ‘immunities and privileges’ mentioned in the American Constitution of 1787 reflect, beneath the apparently different terminology, an idea quite similar to that of ‘the rights of man’, in the specific context of inter-state relations within the federation: ‘The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States’, Article IV, ch. 2, clause 1. Note here the defensive character of individual rights, typical of the American way of defining relations between individuals and the political community.
- 2 D. 22, c. 1: Friedberg 1879–81: i. 73.
- 3 X 5.40.25: Friedberg 1879–81: ii. 922–3.
- 4 Cf. Linehan 1997: 15–16.
- 5 C. 19 q. 2 c. 2: Friedberg 1879–81: i. 839.
- 6 Baconthorpe’s reading of the Vulgate takes Eve to be the subject of the verb ‘shall bruise’; in the Authorised Version, the serpent is the subject.

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CHAPTER FORTY-ONE

WHAT DID THE TWELFTH-CENTURY RENAISSANCE MEAN?



Jacques Le Goff

The idea of renaissance, which Jacob Burckhardt's *Civilization of the Renaissance in Italy* (1860) implanted so securely in European historiography, appeared to have condemned the medieval period to languish forever in the dungeon of 'the Dark Ages' to which Petrarch, the sixteenth-century humanists and, most inexorably of all, the scholars of the Enlightenment, from Leibnitz to Voltaire, had consigned it. Against Voltaire's judgment, issued in his *Essay on Manners* (1756), no appeal seemed possible: 'The whole of Europe lay sunk in this debased state until the sixteenth century, and even then only emerged through frightful convulsions.'

Nor, despite appearances, did Romanticism succeed in rediscovering the light of the Middle Ages. In fact, all it did was to pierce these traditional shadows with a few bright shafts. Lessing put it well: 'The night of the Middle Ages, yes indeed! But it was a night shining with stars.' Michelet himself, after imagining the Middle Ages as 'beautiful', plunged them back into darkest gloom. In the first edition of his *History of France*, written between 1833 and 1844, Michelet saw three great flashes of light in the Middle Ages: the Barbarians, Gothic art, and national consciousness. 'I like this word "barbarians" – I welcome it. Yes, it means "bursting with new sap, full of life and cheerfulness".' Secondly, Michelet contrasted classical art, 'old art, which adored the physical', with 'modern art', that is, medieval art, Gothic art (barbarism had become a positive value), 'the child of soul and spirit'. And thirdly, the Middle Ages saw the realisation of 'that great progressive interior movement of the national soul' in the fourteenth and fifteenth centuries, from Jacques Bonhomme to Joan of Arc, from the peasant 'goodman', to the peasant-woman, rebels both (Le Goff 1977: 19–45).

What glimmer of light is there in the twelfth century, though? None, none at all. For in Michelet's vision, 'the beautiful Middle Ages' did not belong to the culture of the powerful but to the soul of the people: 'we other barbarians have a natural advantage – the upper classes may have culture but we have so much more of the warmth of life!' If the medieval period was one of greatness, that derived from the union of religion with the people. 'The Church at that time was the people's home . . . Religious cult was a tender dialogue between God, the Church and the people, expressing one and the same thinking.' But Michelet's 'beautiful Middle Ages' waned bit by bit.

In 1855, he abandoned them, rejecting 'the bizarre and monstrous and amazingly artificial medieval condition'. His deliverance came not through the Renaissance but through the Reformation, and especially through Luther: 'it was entirely salutary for me to live with that great heart who said No to the Middle Ages'.

Yet Burckhardt's enthronement of the Renaissance did not take long to evoke doubts in the minds of some historians. In the late nineteenth and early twentieth centuries, there was a reaction in favour of the Middle Ages. Its chief manifestation was paradoxical, however. These new Middle Ages stole from the Renaissance its title, its sign, its proud banner. These new Middle Ages did not invent the Renaissance as it appeared in the fifteenth and especially the sixteenth centuries, defined, as it had been then, in opposition to the whole preceding medieval period: they invented a string of earlier renaissances, including one great Renaissance of their own. It was Charles Homer Haskins who fixed its date firmly in the book he published in 1927, *The Renaissance of the Twelfth Century*. Haskins explained in his Preface: 'To the most important of the earlier revivals the present volume is devoted, the Renaissance of the Twelfth Century, which is often called the Medieval Renaissance' (Haskins 1927: viii).

This idea flourishes more strongly than ever today, and I want to devote this chapter to a discussion of four problems it raises: (1) Were twelfth-century people, or anyway the most distinguished twelfth-century scholars, conscious of living in an age of renewal? (2) What was the nature of this renaissance? Was it a rediscovery of classical Antiquity, a return to Antiquity, or was it a creative movement, a birth rather than a re-birth? Was it, to repeat the question asked by Peter von Moos, a Renaissance or a century of Enlightenment (von Moos 1989)? (3) Was it limited to the realm of intellectual high culture, that is, to philosophy, theology, science and art? Or was it associated with more general creative impulses that were also economic, social and political? If so, was it an aspect or a consequence of those wider impulses? (4) Accepting the idea and the label, when did this Renaissance begin and end?

First, then, were twelfth-century scholars aware of their own intellectual superiority over the great thinkers of Antiquity? Modern historians have found support for the idea that they were, in a famous but difficult passage in John of Salisbury's *Metalogicon*, written c.1159. Here John purported to quote a famous teacher, Bernard of Chartres, who had been chancellor of the cathedral school from 1119 to 1126: 'We are like dwarfs sitting on the shoulders of giants. Our gaze can thus extend more widely and reach further than theirs. It is not that we see better than they did, of course, nor that our own height gives us any advantage. It is rather that we are carried and raised up by the giants' lofty stature' (Webb 1929: 136). The dwarfs were the *moderni*, the giants the *antiqui*. We have got used to thinking of 'the ancients' as referring particularly to the writers of pagan Antiquity, hence of the twelfth-century renaissance as consisting first and foremost of a return to Greek and Latin philosophers, poets and grammarians, and Roman historians. True, the chapter of the *Metalogicon* (iii. 4) in which John's comment on Bernard's metaphor appears, is devoted to Aristotle's *Peri hermeneias*. True, M.-D. Chenu thought of the twelfth century as an age when a variety of platonisms bloomed (Chenu 1957: 108–41). True, Ovid's *The Art of Love* so seduced twelfth-century poets and writers of romances that the period has been termed an Ovidian age: Chrétien of Troyes plagiarised *The Art of*

Love, while the Cistercian Aelred of Rievaulx, and Peter of Blois, who was John of Salisbury's student and a member of the scholarly circle at the archiepiscopal court of Thomas Becket (the 'eruditus Sanctus Thomas'), ransacked Cicero's treatise *On Friendship* (Paré, Brunet, Tremblay 1933: 48).

Yet the term 'moderns' was applied, still more significantly, to theologians and Christian 'authorities'. The *Liber pancrisis*, an 'all-gold' anthology of citations treasured as authorities, added to the sayings of the Fathers – Augustine, Jerome, Ambrose, Gregory, Isidore and Bede – those of writers here termed 'modern masters' (*magistri moderni*), such as William of Champeaux (who taught at St-Victor near Paris from 1108 to 1113, then became bishop of Châlons-sur-Marne), Ivo of Chartres (died c.1116), Anselm of Laon (died 1117) and his brother Ralf. What is important here is not so much the adding on to authorities of ancient vintage other authorities of recent times, but the nature of these 'modern' ones. These recent authorities were masters (*magistri*) in the urban schools, which, at the beginning of the twelfth century, were often still episcopal schools. At the close of that century, these men were thought to be re-embodied, so to speak, above all in the masters of the budding universities. M-D. Chenu has shown very clearly how these new authorities, known as *magistralia*, gained importance during the twelfth century not in opposition to but alongside the ancient ones, the *authentica* (Chenu 1957: 351–65). The challenge posed by the moderns lay not in rejecting the ancients, or trying to prove them inferior, but in denying them a monopoly on doctrinal authority. In the ninth century, Walhfrid Strabo, one of the great men of the so-called 'Carolingian Renaissance' (the first of the medieval renaissances) spoke of his own age as 'modern times' (*saeculum modernum*). Yet where that earlier 'renaissance' had really failed, the twelfth-century philosophers and theologians succeeded in imposing a new periodisation of knowledge and of what counted as authorities. The age of the Fathers was over, no question about it: the age of the masters had arrived. Scholasticism began to hold sway.

John of Salisbury's story about Bernard of Chartres, with the metaphor of the dwarfs mounted on the shoulders of giants, was to become a commonplace among writers of the second half of the twelfth century and the early thirteenth. It has been interpreted in different ways, even in ways that are diametrically opposed: on the one hand, it has been said to convey the overwhelming superiority of the Ancients, on the other hand, to assert the superiority of the Moderns, even to imply an idea of progress. We should note at the outset that this second interpretation simply develops a view expressed in the sixth century by the great grammarian Priscian whose work was well-known to twelfth-century scholars: 'quanto juniores, tanto perspicaciores' ('the younger they are, the more perspicacious') (Ladner 1982: 8). Twelfth-century writers themselves seem to have veered between the two positions. John of Salisbury, the most eminent of them, asserted at one point elsewhere in the *Metalogicon*, 'I have not thought it worthwhile to quote the Moderns, whom I have no hesitation in preferring most of the time to the Ancients.' At another point, he asks, 'Who today is satisfied with what Aristotle teaches in the *Peri hermeneias*?' Yet John also says, 'Though as far as meaning goes, the Moderns and the Ancients are as good as each other, what is old is more worthy of veneration' ('venerabilior est vetustas') (Webb 1929: 3–4, 135–6). Among those twelfth-century writers who, implicitly or explicitly, cite the saying of Bernard of Chartres, most tend to

affirm the superiority of the Ancients. This is the case, as Edouard Jeuneau rightly observed, with two of the most innovative and combative thinkers of the twelfth century: Peter Abelard and William of Conches. Abelard, whom John of Salisbury also quotes, says that it would be easy to be 'a man of his time', to write a book about logic which would not be inferior in form or content to those of the Ancients. Nevertheless he adds: 'but it would be impossible, or at least very difficult, for such a [modern] philosopher to raise himself . . . to the rank of an authority'. He goes on: 'Our age benefits from what it gains from the ages that went before it. It often knows more – yet that superiority comes not from its own talents (*ingenium*) but from the fact that it depends on another's strength and on the vast wealth of its ancestors.' According to William of Conches, one of the great masters of the School of Chartres: 'Priscian rightly said that the Moderns are more perspicacious than the Ancients, not that they are wiser. The Ancients only had their own writings at their disposal. We, however, possess all their writings and, in addition, all that has been written from the beginning right up until our own times. Furthermore, we have more perspicacity than they had, but no more wisdom. Much greater wisdom is indeed required to discover something new. That is why we are like a dwarf perched on the shoulders of a giant. . . . We see more things than the Ancients because our modest writings are added to their great ones.' The conclusion is clear: 'The Ancients were better than the Moderns' (Jeuneau 1967: 84; Jeuneau 1968: 23–6).

One last example, which brings in a further dimension. It occurs in a letter of Peter of Blois: 'How the dogs bark! How the pigs grunt! For my own part, I am always full of enthusiasm for the writings of the Ancients. . . . We are all of us like dwarfs on the shoulders of giants. Thanks to them, we see further than they could see when, attaching ourselves to the works of the Ancients, we give new life to their finest phrases' (Le Goff 1993: 14). This is not merely a claim for the superiority of the Ancients, it is, above all, a demand that they should be studied, because this is how the Moderns can surpass them.

We are now in a position to pin down just what the superiority of the Moderns over the Ancients meant, and also to see its limits. It is a quantitative superiority. It stems from a cumulative conception of learning and of thought. It shows itself in the field of accumulated knowledge that is more plentiful and more penetrating, but not in the field of wisdom. What does that mean? On the one hand, the Moderns suffer by not having the advantage of the prestige of antiquity already affirmed in the Old Testament: 'With the ancient is wisdom' (Job XII, 12). Yet is this not at the same time an incitement to the Moderns to acquire wisdom as well, on the model of biblical and pagan wisdom? Is it not an invitation to the Moderns to crown their learning, the fruit of the liberal arts and theology, with the making of a wisdom whose twin sources are biblical exegesis, that is, the perfecting of an understanding (*lectura*) of Holy Writ (the *sacra pagina*), and philosophical thought which is more or less independent of theology?

Was not the twelfth century a great age of the renewal of biblical exegesis, starting with the work of the thinkers of St-Victor, Paris, as Beryl Smalley demonstrated so well (Smalley 1968; Smalley 1983: 83–195)? Was it not also a great age of affirmation of a specifically Christian philosophy rooted in a Christian Socratism constructed in different but equally profound ways by the two great adversaries, Abelard and St Bernard? The driving idea which inspired the use of the metaphor

of the dwarfs borne on the shoulders of giants was fundamentally the discovery and powerful assertion of a sense of history. This sense was ambivalent: what comes after is, from one point of view, superior, richer and weightier, and yet what comes before also embodies a kind of superiority: it is more venerable, quite literally, more worthy of respect. This connection between authority and age in a sense bound both to the past. But twelfth-century scholars, in harmony with the increased valuation conferred by development through history, were in the process of inventing a way of transcending the contradiction between Modernity and Antiquity, Modernity and Authority. This way was embodied in a new kind of man, defined by his historical context, a new kind of intellectual: the *magister*. By means of new biblical exegesis, more authentic and more accurate as far as literal meaning went, yet at the same time new, created by Christian philosophy, the *magistri* put in place a new balance between the study of texts, scholarly research and the production of knowledge in the double form of what was spoken and what was written. Above all, the *magistri* created the authority that the Moderns lacked when they confronted the Ancients. The confusion, the contradictory attitudes, of twelfth-century thinkers confronted by a double Antiquity, pagan and Christian, were expressions of pride in a creative *renovatio* and restlessness (rather than humility) in the face of intellectual weaknesses that would not allow them to dispense with the authority of the Ancients. Medieval society, in every field, was always a brittle form of human nature.

What needs to be examined more closely is the historical context of this discussion between the relative values of Ancients and Moderns. For the context in which that discussion developed throws into relief the ambiguity of the Moderns' appeal to the Ancients. Against whom were they trying to assert themselves? They were fighting on two fronts. First they confronted the traditionalists, who were especially powerfully entrenched in the monastic world, at Cluny. More than a monastic order among other orders, Cluny was a veritable monastic *ecclesia* carrying enormous weight in the Church as a whole. Dominique Iogna Prat has recently highlighted Cluny's passionate engagement in 'ordering' Christian society on the basis of patristic doctrine and of the 'ancestral custom' worked out in Late Antiquity (Iogna Prat 1998).

The pagan Ancients were always suspect in the minds of the guarantors of the Christian order and the ancient Christian traditions to which the Modern writers and thinkers explicitly or implicitly attached themselves. Were the Moderns not closer to evangelical currents, to the evangelical renewal which the new religious movements of monks and canons, who were sometimes denounced as heretics, wanted to promote? These reformers' goal was not a literary and philosophical renaissance, but an evangelical one. From another angle, the Moderns worried about those among their own contemporaries who, far from searching for wisdom, wanted to exploit new intellectual techniques to extract worldly profit of a quite material and monetary kind. These technicians sought to establish new intellectual fashions. These were the men John of Salisbury labelled the Cornificians: they bid fair to divert modernity from the quest for wisdom (Webb 1929: 23). For modern dwarfs, ancient giants constituted a weapon that was both offensive and defensive. It was to translate this ambiguity and this embarrassment that twentieth-century historians invented the term the Twelfth-century Renaissance.

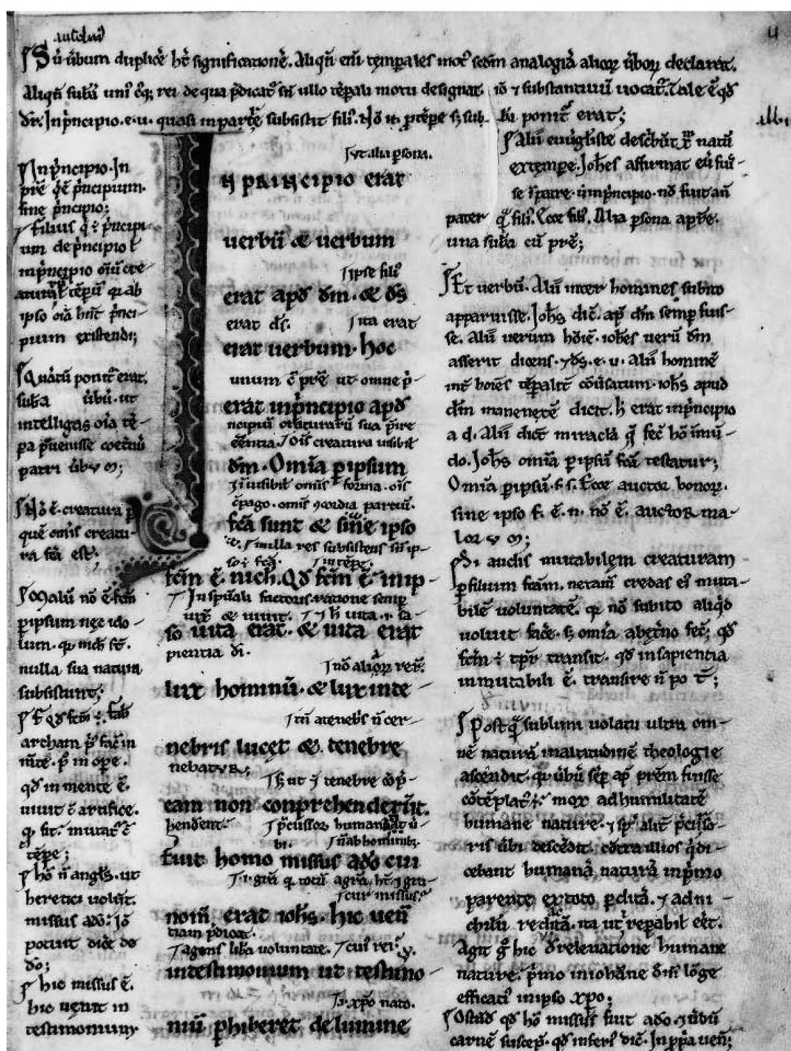


Figure 41.1 Ancient and modern. A copy of the Gloss on St John's Gospel with particular glosses attributed to 'Anselmus' (Anselm of Laon), taken from the ninth-century commentary by John the Scot. © Bodleian Library, Oxford, MS. Lyell 1, fo. 4r.

There is more to this story. The difficult discovery, or re-discovery, of History (the term *historia* itself is ambiguous) in which M.-D. Chenu discerned the heart of the twelfth century's dynamism – he saw it in Hugh of St-Victor's *Didascalion* (1130–40) 'where the term *historia* is used as often as the term *logica* and more often than *dialectica*' – was fundamentally the most important statement of those who used the metaphor of the dwarfs and the giants (Chenu 1974). We ought not to forget that in the twelfth century the dominant vision of historical evolution was that of the Ages of Man. This vision obeyed a law of decline which ended by representing the present time as that of old age: *mundus senescit* ('the world grows old'). Behind the resort

to the image of the Moderns as dwarfs, in a reversal of perspective that gave the metaphor exceptional, even revolutionary, force, was a more or less veiled reference to the idea of the most extreme partisans of decline, who claimed that men were getting smaller and smaller, and that this shrinkage in size was a tangible illustration of humanity's general decadence.

What remained to the Moderns was to fight decisively against the idea of decline, by offering a new inversion of meaning in an area of fierce debate, the area of novelty. In preference to dealing with the dwarfs and giants as a pair, the Moderns threw themselves into battle against another pair of terms: *nova et vetera*, new and old. 'New' was clearer than 'modern', old age was less to be venerated than antiquity.

At the beginning of the twelfth century, one family of words was especially hateful to the Church, the monks and the clergy: these words clustered around *novus*, *novitas* ('new', 'novelty'). The terms evoked the *novissima*, the Last Things, the Apocalypse, the end of the world. They denoted the worst errors of mind and conduct. When in 1116, the inhabitants of the town of Laon rebelled against their bishop, who was also their lord, with shouts of '*Commune! commune!*' ('the common interest'), the Benedictine abbot Guibert of Nogent shouted back: '*Commune*: a new and detestable word!' In the field of doctrine, 'novelty', lack of respect for tradition and stability, was firmly to be condemned. There was a strong risk that it might lead to heresy. This is just what happened in the case of Abelard. At the Council of Sens (1140), Abelard was condemned as a heretic. His chief accuser was William of St-Thierry, the tool of St Bernard. William declared that Abelard had started 'to teach and write novelties' (Leclercq 1969: 377). In the course of the twelfth century mentalities changed, however. From being a negative term, the new became, first, neutral (almost the equivalent of our 'modern', or 'contemporary'), and then, positive. Alan of Lille, a distinguished university master who died c.1203, clothed in the Cistercian habit, balanced new things and old things, as Marie-Thérèse d'Alverny has clearly shown (d'Alverny 1968: 117-35). Walter Map, chancellor of Lincoln (1186-9) and archdeacon of Oxford (1196-1209/10), contrasted the 'novelties' of modern masters to 'the older masters', and made the twelfth century, which he defined as a period of one hundred years, a century of modernity in a positive sense. 'By our times I mean this modern period, the course of these last hundred years, at the end of which we now are, and of all of whose notable events the memory is fresh and clear enough. . . . The century which has passed I call modern times' (James 1983: 123-5). Beryl Smalley made a study of hostility to the new monastic orders during the twelfth century. She drew attention to the fact that this polemic gives us 'an overview of a change of attitudes in regard to novelty'. The Premonstratensian canon Anselm, Bishop of Havelberg, for instance, in the first book of his *Dialogue* (c.1149), set out a theory of salvation-history whose object was to integrate novelties into this new perspective. St Bernard himself, in his *In Praise of the New Knighthood*, hailed the novelty of the new military orders (Leclercq and Rochais 1963: 214-15). M.-D. Chenu credited twelfth-century theology with having put the march of history on its onward path (Chenu 1957: 386-98). For Beryl Smalley, this rehabilitation of novelty relied on St Paul's appeal to 'put off the old man, and put on the new man, who has been created according to God in the justice and holiness of the truth' (Ephesians iv, 22-4); and its triumphant outcome was the foundation of the mendicant orders by St Dominic and St Francis at the beginning of the thirteenth

century. Smalley shared my impression that the intellectuals of the twelfth century had 'a lively awareness of doing something new, of being new men'. M. H. Vicaire stressed that the *Life of St Dominic* in its opening pages used the terms 'new' and 'novelty' to describe the saint and his preachers; in so doing, the author of the *Life* conveyed their programme, and expressed his own admiration (Vicaire 1977: 103–5, 280–1). The first 'official' biographer of St Francis, Thomas of Celano, intended to arouse praise for the saint and his order when he exclaimed:

Novus ordo, nova vita
Mundo surgit inaudita!

('A new order, a new kind of religious life, has risen up, which was unknown to the world before.') And Smalley concluded (before shading the conclusion somewhat): 'An emotional change has come about in some hundred and fifty years. New has ceased to be a dirty word. It may carry the sense of "improvement", in that case it is praiseworthy. God has changed sides, he is no longer safely conservative' (Smalley 1975: 115).

This judgement of a great historian of medieval intellectual life indicates the direction in which we ought to look for a sense of the duration of the twelfth-century renaissance. It was a long twelfth century, a long renaissance. I would happily follow those modern scholars who extend Haskins's rather narrow and confined chronology, causing the century's distinctive leap forward to begin a bit earlier and reach its apogee a bit later.

As far as the beginnings go, I find it clarifies matters to see the renaissance as emerging from that great affirmative movement of Christian western Europe that we call the Gregorian Reform. Already in 1901, in volume 3 of Lavissee's *Histoire de France*, Achille Luchaire defined a change whose scope should be extended to cover the whole of the Christian Latin West:

the period of our history that includes the last quarter of the eleventh century and the first third of the following century, saw profound changes in French society. The Church's violent effort to regenerate itself and to throw off its feudal traits; the definitive establishment of papal monarchy, whose reform and crusades ushered in its universal power; the first attempts of the great feudal powers to found states and governments; the recovery of the national monarchy in the person of Louis VI; the first attempts of the people in the towns and in the villages to free themselves; the awakening of independent reason which gives a new character to theological studies and allowed heresy to renew its strength; the decisive progress of art manifested by the first masterpieces of vernacular literature, by the prodigious spread of Romanesque architecture and by the creation of Gothic.

(Luchaire 1901: 203–4)

Allowing for some simplifications and exaggerations, and a slightly dated vocabulary, we may say that here indeed are the essentials of a movement that involved all the structures of a society which, around the year 1100, adopted the term 'Christianism' as the sign of its cohesion and its strength.

What has not been sufficiently noticed is that, unlike modern historians such as Luchaire in the passage just quoted, not one of the intellectuals of the twelfth century, from Abelard to John of Salisbury, with the exception of Bernard of Clairvaux, made the least reference in his writings to the First Crusade and the conquest of Jerusalem. Was this military enterprise (the expedition is termed *bellum* in all the sources, even if it was a war that gradually became a holy war) part of another face of Christendom, a face quite distinct from that of scholarship (*studium*)? If so, we would have to reflect on the meaning of this split, this double aspect, in the vital force of the Christian twelfth century.

I think we are now in a position to show that the twelfth century really was the century of a great take-off rather than of a renaissance: a take-off of medieval thought and knowledge, between the eleventh century's first cautious stumblings forward, and thirteenth-century scholasticism's great setting of things in order. This take-off involved every aspect of the Christian world. Christian society moved forward at the same time, if not at the same rate, in every field. And this take-off was that of a 'long twelfth century', clearly marked out in a world and at a time when the essential guidelines were bound to be religious – the Gregorian Reform and the appearance of the mendicant orders.

What were the fields and forms of thought in which this take-off was manifested most decisively and most distinctively? Haskins has already identified and described the essentials here, even though some of the nuances have been shifted to some extent by those historians who came after him. As far as intellectual centres are concerned, three emerged, one after the other, as places where the main theological innovations were made or developed: Laon, Chartres, Paris. An increase in the number of books and libraries, perhaps as a result of destruction and of inadequate stock-taking, did not emerge in the twelfth-century foreground: it was, rather, a thirteenth-century development. A significant feature, nevertheless, was the growing interest of lay aristocrats in books, their building-up of libraries, their commissioning of translations from Latin, and their enthusiasm for genealogical literature such as Lambert of Ardres' *History of the Counts of Guines* (1194), on which Georges Duby threw so much light (Duby 1977: 143–6). It was only at the turn of the twelfth/thirteenth century that there was an acceleration in the trend towards having things written down: the preservation of royal and seigneurial archives produced a great change in administrative practice 'from memory to written record' (to borrow Michael Clanchy's expressive phrase) (Clanchy 1996).

Even more than Latin poetry, what now strikes us as the great twelfth-century genre is the vernacular romance in verse, then in prose – a genre which Antiquity had barely sketched out. With the true birth of the historical romance was linked a growing sensitivity to the enduring quality and strong affirmation of the individual. History was the other genre to emerge strongly in the period. Haskins's scarce notes on this subject have crystallised in Bernard Guenée's study demonstrating the twelfth century's affirmation of a historical culture and the appearance, in terms of both method and thinking, of several works of true historians, especially in the Anglo-Norman realm with Orderic Vitalis, William of Malmesbury and, above all, Geoffrey of Monmouth (Guenée 1990).

Since Haskins, the accent has been placed, above all, on the flowering of law, on the progress of the sciences and of philosophy. These subjects had been stimulated

and nurtured by translations from Greek and from Arabic, and by the activity of translators in lands bordering the Mediterranean, in Illyria, Sicily, southern Italy and above all in Spain, where Toledo was reconquered from the Moors by Alfonso VI of Castile in 1085 and became a great centre of encounters promoting the acculturation of Christian learning with the traditions, methods and achievements of Greek, Jewish and Arab science. The twelfth-century renaissance was a summons: the response was a process of reception that meant much more than the simple rediscovery of the ancient classics.

The practice of law and the forming of legal collections were responses to the demands of ecclesiastical, royal and urban institutions. Lawyers proliferated wherever officials were needed: in cathedral chapters, and in royal chanceries. The lawyers elaborated and diffused an urban legal culture. The renaissance of Roman Law has traditionally been accorded huge importance: but perhaps it was not the most important aspect of this legal explosion. Charles Radding has made a study of the changes in cognition which modified conceptions of order, law, and society (Radding 1985). A new mentality developed around the idea of community rather than that of hierarchy. Skills in discussion and debate tended to replace the mechanical rehearsal of authorities; and this opened the way to the scholastic methods of the *quaestio* and the *disputatio*. The great crucible of the transformations of law was Bologna, where a key event was the composition of the *Decretum* of the Bolognese monk Gratian, traditionally dated to c.1140. This gave a tremendous boost to the development of canon law, and that development in turn would reinvigorate the whole field of law and legal thinking far beyond ecclesiastical boundaries. Gratian's clearly set-out collection of authorities, with his own careful resolutions of their contradictions, not only furnished a formidable armoury of texts, but also presented a vast body of basic problems. It set going an innovative movement of critical thinking, debate and research into the theoretical and practical solutions to the problems of the new Christian society of the twelfth century. In the realm of theology where the new *magistri* ensured the development of scriptural commentary towards more 'scientific' speculation, 'theological science', likewise inspired, developed from the sacred page into sacred doctrine (*sacra doctrina*).

The School of Chartres, in particular, expanded the use of reasons, if not of reason, alongside authorities. The masters' modes of proof appealed to logic and reason. A further essential change arose from the development of a new Christian conception of nature. Tullio Gregory has defined it in the following precise and profound terms: 'One of the chief experiences of the twelfth century – in the new framework of society and culture that took shape at that period – was the gradual progressive setting-out of an idea of the natural as an ordered complex of phenomena which could be the object of rational enquiry, beyond the symbolic references that had characterised the contemplation of nature in the early Middle Ages' (Gregory 1994). The domain of the miraculous grew more limited, while that of the marvellous, the extraordinary but not the supernatural, expanded. Courtly literature did much to spread this new sense of the marvellous.

A further great change in the twelfth-century's sensibility and system of values related to work. Traditionally considered as a penance, and despised as manual activity, the concept of work preached by monastic reformers in the twelfth century and set in a place of honour in urban crafts (by contrast with the work of peasants

and ‘vile people’) was the object of ideological promotion. Though inferior to the system of liberal arts, the system of mechanical arts brought a certain dignity to the world of the artisans. The list of unlawful or suspect *métiers*, which included the professions of merchant and lay scholar-master, grew shorter. The work these offered freed the faithful from the charge of selling either time or knowledge ‘which belonged only to God’. Martha was partly rehabilitated *vis-à-vis* Mary (Constable 1995: 90–2). In Gothic art, the representation of active forms of conduct balanced that of contemplative forms. People observed that, according to Genesis (ii, 15), God had placed man in paradise ‘ut operaretur et custodiret illum’: ‘to dress it and to keep it’ (Le Goff 1977: 173). Thus, before the Fall and the imposition of work as punishment, there had been a divine calling of man to work.

The intellectual development of the twelfth century contained something hugely original in social terms: it emerged from the monastic milieu and realised itself on urban workshop floors. The new *masters* were professional men, who sought to follow the model set by others and to group themselves in corporations. Here was the birth of the universities, Bologna leading the way. By the end of the twelfth century, Paris and Oxford had begun to organise themselves. Finally, crowning this descent of values from heaven to earth, man was no longer constantly symbolised by the figure of Job, overwhelmed by God’s omnipotence and the terrible trials He imposed. Men could also read in Genesis – and underline this passage too – that God had made man ‘in His own image’. Romanesque art, and still more Gothic art, bore witness to this. The crowning achievement of the twelfth century was the shaping, from this material, of Christian humanism, of the Christian Socratism mentioned earlier in this chapter. It is to be seen, for instance, in those two great adversaries Abelard and Bernard.

Yet this take-off of the twelfth century also had a negative aspect: one that appeared very clearly in the century that followed. Strong in their new rights, their new dignities, increasingly enclosed in the structures of the Church and of lay powers anxious to channel and tame the often uncontrolled effervescence that had typified the twelfth century, Christian establishments were determined to defend what they had gained – and to defend their purity. As R. I. Moore (1987) and Dominique Iogna Prat (1998) have so tellingly pointed out, Christendom became an institution of persecution, marginalisation and exclusion. Behind the heretics, who were the most stubborn and most dangerous, the Jews who resisted new efforts to convert them, the homosexuals who had been relatively tolerated until then, the lepers who symbolised sinners in the impurity of their status, and right down to the poor in their ambiguous condition: all these became objects of control, of rejection, of enclosure, and, at the worst, victims of pogroms, of expulsions, of the Inquisition. This was the dark side of the ‘lovely’ twelfth century.

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CHAPTER FORTY-TWO

THE ENGLISH PARISH AND ITS CLERGY IN THE THIRTEENTH CENTURY



C. H. Lawrence

By the thirteenth century, parishes were territories with strictly defined boundaries, and a parish church was distinguished from other churches by the exclusive right to possess a font and a graveyard for the service of its parishioners. This familiar parish structure which covered England was the outcome of a slow-working process that extended over several centuries. Some parish churches had originated in Anglo-Saxon times as official minsters or baptismal churches, which had been under episcopal supervision from the outset. Others, the greater number in fact, sprang from the initiative of landlords, monasteries and townsmen of the tenth and eleventh centuries, who built churches for themselves or their tenants on their estates and in the newly populous towns. It was through their efforts that the monk Ralph Glaber had in his lifetime seen Europe ‘clothed in a white robe of churches’ (France 1989: 114–17).

The lord who erected a church of this kind, whether he was a layman or the abbot of a monastery, was its proprietor. Normally he endowed it with a modicum of land to support a priest, whom he appointed or dismissed at will. If the estate was sold or passed to another by inheritance or marriage, church and priest went with it to the new owner. This was the proprietary church system that was to be found all over northern Europe. Its conversion into the nucleus of a parish organisation was one of the major achievements of the medieval canon law in the century following the pontificate of Pope Gregory VII.

Lay control over the clergy and property of the Church was unacceptable to those who had imbibed Gregorian ideas of ecclesiastical order. During the twelfth century, therefore, the canonists brought about a change in the status of the landlord in relation to his church. A decree of the Second Lateran Council of 1139 condemned the possession of tithes by the laity and bade those lay people who owned churches to hand them over – in the words of the council to ‘restore’ them – to the bishop (Alberigo and Tanner 1990: i. 199). Thus the laity were gradually persuaded to surrender proprietary rights over churches. It was established that the glebe land, tithes of produce within the boundaries of the parish, and altar offerings, were the property of the parish priest, who was subject to the supervision of the bishop.

Although the landlord ceased in law to be the owner of his church, he retained certain rights as its patron, and these were acknowledged by the canonists. He had the advowson, the right, that is, to present a clerk of his choice to the bishop for appointment to the living. But the clerk in question acquired a legal right to the church only when he had been formally instituted on the bishop's instructions.

The patronage or advowson of a church was an asset worth having. It enabled its possessor to present a priest of his choosing, perhaps a relative or a useful acquaintance, to a living, and in some cases it entitled him to receive an annual payment — a *pensio* — from the incumbent. The law recognised the patron's special position by permitting him to stand in the chancel — that part of the building containing the main altar and reserved to the clergy — during the celebration of divine service. All the same, he was clearly not the source of the priest's authority to dispense the sacraments; this was derived from the bishop who had instituted him and who alone could legally remove him. In this way, manorial churches, which had been founded and built by private initiative, were gradually integrated into the diocesan structure and formed the basis of the parish organisation of the Middle Ages.

The evolution of parish organisation was well advanced by the thirteenth century. But in its inconsistencies and baffling complexity it still bore the marks of its origin. The parish church existed to provide for the spiritual needs of the people living within its boundaries. But in law it was treated as a benefice, as a complex of property rights. Its rector, once instituted, acquired a legal right to the enjoyment of its endowments. He was the parson — in Latin the *persona* — who was by definition the recipient of the parish tithes. On the ground, though, the reality could be less simple. Some churches were divided into moieties (halves) or even lesser fractions, each of which constituted a separate rectory with its own incumbent. Most of these arrangements had their origin in the earlier age, when two or more landlords, whose manors lay within the parish boundaries, cooperated in building the village church, and each retained control over his portion of the endowment. This produced a church with two or more patrons, each presenting a rector of his choice to a fractional benefice.

Often such a situation arose from the subdivision of an estate, of which the church formed a part, between co-heirs or heiresses. Such was the case with the church of Penistone in the West Riding. In 1227, in the course of litigation between rival claimants to the advowson, one of them, Thomas de Burg, explained to the court that the benefice had been divided into four separate parts following the partition of the estate between two custodians of the lordship and two co-heiresses at an earlier date, and that the advowson had been similarly partitioned between the parties. Thomas based his claim on the alleged fact that a moiety of the advowson had been sold to his grandfather (*Curia regis Rolls* 1959: 13 no. 370).

Whatever its origin, the partition of the income and the spiritual responsibility for the parish between two or more rectors was obviously not conducive to zealous pastoral care, and in the course of the thirteenth century ecclesiastical authorities endeavoured to phase the practice out. At the Council of Oxford in 1222, Archbishop Stephen Langton forbade the division of parish churches for the future, and urged that existing churches with more than a single parson should be reintegrated as each rector died. His ruling was reiterated by the papal legate, Cardinal Otto de Monteferrato in 1237, and again by the legatine statutes of Cardinal Ottobuono in 1268 (*Powicke and Cheney* 1964: II.i. 111–12, 251, 762). But in each case an

exception was made in favour of churches that had been divided 'from ancient times'. The claims of competing patrons were not easy to extinguish. Although the canonists maintained that advowsons – which concerned the appointment of pastors – were a matter for the ecclesiastical jurisdiction, deeply rooted social custom, ratified by the constitutions of King Henry II, treated an advowson as a piece of property enjoying the protection of English common law.

The wealth of the Church in land and tithes made it inevitable that the endowments of parish churches would be diverted into serving many and various ends in addition to those of the pastoral care. After all, in tithes the Church possessed a more comprehensive and regular form of direct taxation than was available to any medieval monarch. Out of the proceeds it had to bear the cost of a variety of services, including several that fall to the charge of the modern state. Thus richer benefices were used as a means of supporting secular administration by their conferment on royal clerks and ministers, and they provided a living for ecclesiastical lawyers and administrators, cathedral clergy, schoolmen at the universities and their pupils. Such men were necessarily non-resident in their parishes, and provided for the administration of the sacraments and the pastoral care of the people by allocating a portion of the parish endowments to a vicar or by paying a stipendiary chaplain.

The income of a parish might be diverted from the pocket of the resident priest in a variety of ways; one of the commonest was by the appropriation of the church to a monastery, cathedral or some other kind of collegiate church. A gift to a monastery was a meritorious act which might remit for the donor a long period of penance. Moreover, in return for the gift the monks would act as surrogates for the benefactor, by their lives of prayer and fasting performing penance on his behalf. Prompted by these considerations, as well as by the attitude of the post-Gregorian canonists, many lay owners or patrons donated the advowson of a parish church or a portion of its revenues to a religious house. Thus, with the consent of the bishop of Norwich, Robert Fitzwalter and his wife donated an annual rent of five marks to Binham Priory out of the endowment of the parish church of Bacton in Norfolk, while reserving the advowson of the church to themselves and their heirs (Binham Cartulary, fos. 183, 184). The monks experienced some difficulty in extracting the annual rent from the rectors of Bacton and had to resort to the courts to secure payment. In the end, in the thirteenth century, during the vacancy of the benefice, the patron was persuaded to appropriate the entire church with its endowments, tithes and offerings, to Binham, initially to help pay for the rebuilding of the priory church in the style of the period, and thereafter to meet the expense of lighting it.

It was, of course, necessary to wait for the death or resignation of the rector before handing over ownership of a parish church to a monastic body. For once he had been instituted, the existing incumbent had a legal right to the endowments and offerings that could not be set aside. So it was that when one Richard of Argentein donated the church of St Peter's, Little Wymondley, in Hertfordshire, to some Austin canons for the foundation of a hospital, he wrote into his charter a clause reserving the rights of Hugh Leidet, the existing parson, and the rights of the vicars serving the church during their lifetime (Little Wymondley Cartulary, fo. 14). The canons had to wait for the church to become vacant before entering into possession.

Appropriation of parish churches by monasteries became increasingly common after the middle of the twelfth century and continued throughout the thirteenth

century and beyond. In these cases, the monastery became the corporate rector of the parish and was entitled to receive its income. As monks did not as a rule perform pastoral duties – in fact, strictly speaking the canon law debarred them from doing so (Lawrence 1989: 33) – they used some portion of the income to pay a resident priest to provide for the spiritual needs of the parish. Frequently the first stage in an appropriation was the gift of an advowson to a religious body. Subsequently the monks would get the bishop's approval to appropriate the entire benefice. The reason most commonly given for the transfer was the financial need of the appropriator. For instance, in the 1220s Archbishop Langton authorised the appropriation of the Kentish churches of Appledore and Coldred by the prior and convent of St Martin's Priory, Dover, on account of 'the meagreness of their revenues and so as to make them more adequate to support the burdens of hospitality' (Major 1950: 138).

Possibly the need of the priory was genuine, for hospitality was an obligation of the Benedictine Rule that monasteries were expected to take seriously, and the location of St Martin's made it a favoured resting place for sea-sick travellers from the continent. But the plea of poverty and the demands of hospitality became legal clichés that were constantly invoked to justify the diversion of parish revenues to great and wealthy religious houses as well as to those that were small and impoverished. At St Albans, Matthew Paris listed it among the achievements of Abbot John of Hertford that he had procured the churches of Norton and Eglingham 'for the improvement of our beer' (Riley 1867: 320–1). In the course of the thirteenth century, bad management, coupled with a determination to maintain living standards in a period of steady inflation, had landed many of the Benedictine abbeys in debt, and for many of them the appropriation of a parish church offered an easy way out of their difficulties.

At an earlier stage of this development, voices had been raised against it within the monastic world itself. It was one of the reproaches with which St Bernard had lambasted Cluny:

For what reason have you had the first fruits and tithes of parish churches conferred on you? For these things are not appropriate to monks. They have been granted to those who have the duty of baptizing and preaching and caring for souls. Why do you usurp these goods since you ought to do none of these things? As you do not carry the burden, why do you accept the rewards?

(Constable 1967: i. 56)

Some of the bishops of the thirteenth century expressed similar misgivings. Robert Grosseteste in his old age delivered an excoriating address to the pope and cardinals at Lyons in 1250, in which he blamed monastic appropriation for the problem of unworthy and inadequate parish priests – 'substitutes and hirelings, who themselves receive from the property of their churches barely enough to support life' (Sieben 1971: 359). The Council of London, presided over by the legate Cardinal Ottobuono in 1268, tried to put a brake on the practice, forbidding bishops to appropriate churches to monasteries except in cases of manifest poverty (Powicke and Cheney 1964: II.ii. 770). But not all appropriators were monasteries. A lot of churches had been annexed by bishops to endow prebends for their canons in secular cathedrals. Appropriation was too deeply rooted in the economic fabric as well

as in the religious assumptions of medieval society to be eradicated by simple condemnation or facile moralisation.

Where the rector of the parish was non-resident, whether the incumbent was a cathedral dignitary, a royal clerk, or a monastic corporation, arrangements had to be made for the church to be served by a paid substitute – a chaplain or vicar. The problem, which exercised conscientious bishops, was how to ensure that the priest who actually served the parish was adequately educated, and that the absentee rector paid him a decent living wage. A canon of the Lateran Council of 1215 lamented that some greedy appropriators had left priests with less than enough for subsistence, drawing a natural and well-founded conclusion that ‘hence in these areas there is seldom found a parish priest who possesses even a modest knowledge of letters’ (Alberigo and Tanner 1990: i. 249–50). The remedy the council proposed was that the absentee rector should be required to present a suitable vicar to the bishop for institution to the church, who was to be irremovable and who would be assigned an ‘appropriate portion’ of the parish endowments. The law thus demanded the establishment in all appropriated churches of a perpetual vicarage – a benefice in its own right, to which was allocated an agreed and fixed part of the parish revenues, the occupant of which would, once instituted, enjoy the same security of tenure as the rector.

It was once thought that the establishment of perpetual vicarages was a direct result of the Lateran decree. But in the Middle Ages, as in modern times, Rome had a tendency to lead its troops from the rear. More recent research has shown that English bishops were setting up vicarages long before the Lateran Council addressed itself to the problem (Cheney 1956: 131–3).¹ The more copious records of the thirteenth century show how such transactions were managed.

For a bishop with a sensitive conscience like Grosseteste, who believed that inadequate pastors were slayers of souls (Luard 1861: 151–3), the primary concern was to obtain the best possible terms for the vicarage. This could involve tough negotiation: the appropriating body usually claimed the lion’s share of the endowments. On an October day in 1241, a meeting took place in the chancel of the parish church of Ashwell, in Hertfordshire, which had been appropriated to Westminster Abbey. The parish lay within the huge diocese of Lincoln, of which Grosseteste was bishop. At the meeting he was represented by his official, the archdeacon of Hertford, and by two of his clerks; the abbey was represented by the abbot in person and a party of four monks. They had come to assess the assets of the church with a view to agreeing a division between the vicar and the abbey. As diocesan records of the period rarely, if ever, possessed the necessary financial information, it was necessary to conduct an investigation on the spot. Fourteen parishioners of Ashwell were therefore assembled, put on oath, and asked to state the income of the church from all sources other than the garb tithe – the tithe of corn – and their statements were committed to writing.

Next day the negotiators reassembled in the church. Grosseteste had made it a condition of his consent to the appropriation that the vicarage should be worth not less than forty-five marks: a good income which at that time was regarded as sufficient for a layman to maintain the state of knighthood. His clerks now pointed out that the items listed on the previous day were not enough to produce forty-five marks unless the abbot was prepared to add a portion of the garb tithe. This he at

first refused to do. He was hoping to appropriate the whole of the garb tithe for the monastery, and he argued that the income from the offerings, the glebe land, and the tithe of the proceeds from the four mills in the parish were enough to endow the vicarage. But the bishop's clerks were under orders, and he had to give way. The jury of parishioners was brought back and required to value the garb tithes, which proved to be worth sixty marks. A third of this sum was therefore added to the vicarage, which raised it to a total of fifty-three marks (Davis 1913: 277–82).² Thus Grosse-teste's firmness secured for the vicar of Ashwell more than half of the parish income.

Such a distribution between appropriator and parish priest was by no means the norm. More than fifty years later Archbishop Winchelsey, when ordering an inquiry into the value of vicarages in the diocese of Coventry–Lichfield, observed that 'we have learned that some are so meagre and wretched that the vicars of those churches cannot be supported from the income of their vicarages unless they are augmented' (Graham 1952: i. 86).

One of the consequences of treating the parish as a complex of property rights was that, once established, it tended to become fixed and indivisible in extent. Rectors and patrons resisted any attempts to carve new parishes out of their territory as these would involve the subtraction of tithes and offerings. Later needs created by population growth, new settlements and the clearance of new lands, were met not by creating new parishes but by erecting parochial chapels. Many of these were constructed by landlords or by lords and peasants acting in cooperation, to serve hamlets that had sprung up on lands newly brought under the plough. In these cases the chapel, which sometimes began life as a humble wooden structure, remained a dependency of the mother church of the parish. Its subordinate status was affirmed in a variety of ways. Usually the chaplain in charge of it was a priest appointed by the rector or vicar of the parish, who could also dismiss him if he wished. He might also be dependent upon the incumbent for his income in the form of an annual wage or stipend.

Some chapels were provided by their founders with a modest endowment of their own. An ordinance for the chapel of East Hoe in Hampshire, made after a dispute between the local people and the rector of the parish, allocated to the chaplain the lesser tithes of the village; in addition he was allowed to keep the offerings of the people, and he was provided with a house, pasturage for fifty sheep and twelve pigs on the land of the manor, and an annual gift from the patron of six cartloads of wood. The garb tithe of the manor of Hoe and all legacies and mortuary payments were reserved to the rector of the parish (Deedes 1915: 258–60). But this was a relatively lavish provision. Many dependent chapels had less than this, and the priests who served them were in general an exploited class of clerical underlings who lacked the security of a permanent benefice.

From the viewpoint of the laity who attended a parochial chapel, the outward and visible sign of their colonial status was the fact that the mother church of the parish had the exclusive right to possess a font and a graveyard. Some parishes covered a very wide area, including within their boundaries several scattered hamlets, each with its own chapel. The need to get to the mother church for baptisms and burials sometimes posed serious problems for people living in the outlying places, especially in winter when unsurfaced roads became quagmires and fords could be impassable. In face of such difficulties bishops could occasionally be persuaded to override the

jealously guarded privileges of a parish church and authorise a chapel to consecrate a cemetery for its people.

The complexities and failings of the parish organisation were rooted in its long history. To understand its workings it is instructive to glance for a moment at the distribution of patronage and the recruitment of the parish clergy in a particular area during the last forty years of the thirteenth century. As a matter of fact, such an investigation is not possible much earlier than this owing to the haphazard survival of the records of institution. Let us inspect an area of Northamptonshire, which formed part of the Lincoln diocese. Here, as elsewhere, parishes were grouped into deaneries, each of which was subject to the supervision of a rural dean. The three deaneries of Rothwell, Brackley, and Preston contained in all 118 benefices.³ The advowson of 53 of these (about 45 per cent) was in the hands of lay patrons; 61 of them (nearly 52 per cent) had monastic patrons, including six livings in the patronage of the Knights Hospitallers and one in that of the Templars. Three had other ecclesiastical patrons, including one – Brixworth – that was appropriated to a prebend in Salisbury cathedral; and the patron of one is unrecorded.

Of the 61 parishes that were in monastic patronage, 22 had been appropriated and were served by perpetual vicars. The largest single share of this property was controlled by the Cluniac priory of St Andrew's at Northampton, which had eight livings at its disposal. The abbess and convent of Delapre came a close second with seven benefices under their control. In addition to the churches it possessed in the three deaneries we are concerned with, St Andrew's priory had appropriated six of the twelve churches in the city of Northampton itself and held the patronage of four more of them. Thus in this area monasteries enjoyed a substantial quantity of parish endowments and more than half the patronage, though appropriation had not proceeded as far as it had in some other regions. Of the richer livings – those officially valued at twenty marks per annum and upwards – eight were in the gift of monastic houses and three in the gift of lay patrons.

Most of the lay patrons in this area were local landed families of the knightly class. They showed a marked tendency to present a son or some other relative to their churches. The Trussells of Marston Trussell, who were patrons of five benefices, presented two members of their own family, their own chantry chaplain, and a member of the family of Sutton, who was a relative of the bishop of Lincoln. In the same way, higher up the social scale, the earl of Gloucester presented his relative, the notorious pluralist Bogo de Clare, to the rectory of Whiston. Nor was this familial charity confined to lay patrons; Stephen Malory, who was presented to the vicarage of Draughton by the convent of Delapre in 1279, was presumably a relative of the abbess, Emma Malory.

What do the records tell us about the social origin and status of the clergy instituted to livings in this area of Northamptonshire during the years 1258 to 1299? During this period of forty years, 219 clerks were instituted. Of these, 161 have either a family name or a toponym that makes it possible to identify their place of origin. The greater number were recruited locally, a few from substantial landed families, but most of them apparently from the ranks of peasant freeholders. In all, 118 of the incumbents whose names can be located, almost three-quarters of the total, came either from Northamptonshire or from villages just over the county border. Many of them hailed from a nearby village within the same deanery. Twelve

of them were apparently presented to livings in their place of birth. There were only 38 schoolmen or university graduates among the incumbents, comprising approximately 17.8 per cent of those instituted, and although some of them had local connections, the majority did not. Most of them were men in royal or episcopal service, who were clearly not going to reside in their parishes.

The picture is incomplete because over a quarter of the incumbents bear names that cannot be clearly identified with a particular place, but the pattern of clerical recruitment revealed by the rest tallies closely with findings elsewhere at this period (cf. Hilton 1966: 62; Robinson 1969). Of course, the figures only tell us about the beneficed clergy, who formed only a part, and a lesser part, of the clergy as a whole. If we had more information about the stipendiary chaplains and the great rag-tag of the unbeneficed, we should probably find that the proportion of local recruits was even higher. Certainly the proportion of graduates among the clergy as a whole was smaller than the figures suggest. If, for instance, we look at a typical ordination list of the Lincoln diocese for the period we have been examining – that of Bishop Oliver Sutton for the year 1290 – we find that out of 223 men ordained that year to the major orders of priest, deacon or subdeacon, only 29 (about 13 per cent) were described as *magistri* (Hill 1975).

‘In a world full of clergy,’ lamented the Franciscan Adam Marsh, the friend and counsellor of Bishop Grosseteste, ‘bishops can scarcely find anyone tolerably adequate to assist in the work of salvation’ (Brewer 1858: 143–4). His was not a solitary voice. In the thirteenth century we encounter a rising chorus of complaint about the abuses of the parochial system and the failings of the parish clergy. Much of this was orchestrated by the friars, whose pastoral mission to the townspeople of Europe brought them into collision with the interests of the secular clergy. Disparagement of the parish clergy was a feature of Mendicant preaching common enough to be the subject of an express prohibition by Bonaventure, the Franciscan Minister-General (Lawrence 1994: 164–5). Anecdotes illustrating the abuses of plurality, non-residence, and the ignorance, worldliness and sexual misdemeanours of the clergy were commonplace in the collections of *exempla* – the sermon-aids compiled by friars which formed part of the preacher’s stock-in-trade (Polo de Beaulieu 1993).

Some of this criticism was doubtless coloured by the conflict of interests and the chronic polemic between the Mendicants and the secular clergy (Lawrence 1994: 152–65). Some of it was overstated; but much of it had a basis in reality. If it missed the mark it was because it failed to identify the economic and cultural conditions that lay at the heart of the problem. In the thirteenth century there was a growing gap between the wealth, education and status of the rectors of the better endowed churches, a number of whom were non-resident, and that of the poorly paid vicars or chaplains who acted as their substitutes, who lacked security of tenure and who, for want of patrons, would in many cases never obtain a benefice.

The circumstances of parish chaplains can be gleaned from the record of a visitation of the prebendal churches appropriated to Salisbury Cathedral conducted in 1220 by the dean, William de Wanda. Some of these churches were served by vicars, others by wage-earning chaplains. The dean found that the parish church of Mere in Wiltshire was served by Geoffrey, a chaplain on an annual contract, assisted by another chaplain and a deacon who helped him run two outlying chapels, where mass was celebrated three days a week. A third chapel within the parish boundaries,

belonging to the canons of Le Mans, was served by a deacon for an annual stipend of four marks. Although he did not enjoy the security of tenure he would have had as a vicar, Geoffrey, the chaplain of Mere, had a reasonable stipend consisting of income from the glebe land, offerings and tithes, other than the great tithe of corn and hay which was reserved to the cathedral chapter; but out of the proceeds he had to pay the corporate rector a rental of eight marks a year. The prebendal church of Sonning in Berkshire, unlike that of Mere, was served by a perpetual vicar named Vitalis, and had six dependent chapels within its territory. One of these was without a priest at the time of the dean's visitation. Four of them were served by chaplains on annual contract, who received a portion of the proceeds from the glebe land and the people's offerings, and paid members of the chapter an annual rental. The poorest of the group was Henry, the chaplain in charge of the chapel of Edburgfeld, who received an annual wage of only twenty shillings and was housed with the parson of Berkhamstead (Rich Jones 1883: 290).

The condition of parish chaplains attracted the solicitude of several bishops, who tried to limit their exploitation and alleviate their plight by forbidding rectors to dismiss them without just cause and by laying down minimum stipends (Powicke and Cheney 1964: II.i. 30, 84, 462–3). For the diocese of Winchester, Peter des Roches stipulated a minimum wage of fifty shillings for an annual chaplain (ibid: II.i. 129–30); in his statutes for the Worcester diocese, William de Blois decreed a minimum of three marks, unless the chaplain was provided with meals at his rector's table (ibid: II.i. 175); and in his diocese Richard of Chichester raised it to five marks (ibid: II.i. 462–3). This was, of course, only tinkering with an intractable problem.

Canonically no man was supposed to be ordained priest or deacon without a title – without, that is, a named church that he was going to serve and which would guarantee his financial support, unless he could guarantee his future subsistence from his own patrimony. But these ancient rules were widely evaded. Poor men who wanted to be ordained but had no patron to present them to a church, resorted to spurious guarantors,⁴ among whom were some nunneries, which provided a title for numerous ordinands, presumably in return for payment. Once ordained these men swelled the ranks of the unbeneficed clergy, from which parish chaplains were drawn. Together with numerous clerks in minor orders, they formed an underpaid and unstable clerical proletariat. Not surprisingly, some of them drifted into crime and they figure from time to time on the rolls of the itinerant royal justices in the company of robbers and men of violence.⁵ Unbeneficed clergy were the bane of the medieval Church.

Non-resident rectors who left their parishes in the hands of paid substitutes were often the butt of savage criticism. The Franciscan who compiled a Handbook of Exemplary Stories (*Tabula Exemplorum*) noted that 'many of the best people visit their churches at harvest time to collect their revenues, and at that time they reside; but at other times they never set eyes on them' (Walter 1926: 135). The abuse was more conspicuous where the absent incumbent was a foreigner. Some rich parishes in our Northamptonshire example attracted the attention of benefice hunters from abroad. We meet four cases in the years 1258 to 1299. One of them was Master William of Bouvines, a doctor of canon law, who was presented to the rectory of Towcester in 1295 by papal provision. Of the other three, two were presented by aristocratic patrons and one by Delapre Abbey. It would be a mistake to assume that

the alien absentee who occupied an English benefice was necessarily an unwanted intruder. As often as not, he was presented to the living because the patron regarded him as a useful connection, especially if he was a man of status in the papal Curia. He was most likely to turn up in those livings where the patronage had fallen into the hands of the Crown. It probably did not make much difference to the rustic parishioners whether their absentee rector was a foreigner or an English clerk working in the royal bureaucracy, a bishop's secretary or a schoolman away teaching in a university. The alien was in any case a rare bird among the parish clergy.

Whether he was a native or a foreigner, the rector who was a chronic absentee was in many cases a pluralist. Pluralism was one of the most ineradicable abuses of the medieval Church. It drew its defensive tenacity from a widespread acceptance of the idea – an idea shared by pope, king and bishops alike – that government and learning, and even nobility, were a legitimate charge upon the wealth of the Church. Those preachers and moralists, including Grosseteste and Adam Marsh, who questioned this assumption were felt by many people to be dangerous revolutionaries. 'Many noble persons of our blood obtain several benefices for which they have not as yet gained a dispensation. Some of them are of an advanced age and have until now lived honourably, giving what hospitality they could and dispensing alms with open doors. It would be excessively hard for such people to be despoiled of their benefices and thrust into ignominious poverty' (Luard 1872–83: iii. 418). The speaker, though noble by birth, was not a clerical worldling, but Walter Cantilupe, a zealous and saintly bishop of Worcester, asking the cardinal legate to go easy on the pluralists. He was simply voicing the conviction of his class that the Church owed the aristocracy a living.

The canonical prohibition of plurality was clearly stated by the decree *De multa* of the Fourth Lateran Council: if anyone holding a benefice with cure of souls should receive a second such benefice, he shall *ipso facto* be deprived of the former living. If he endeavours to keep both, he shall forfeit both. But the law deliberately left yawning gaps: the holders of cathedral prebends did not come within the scope of the act; more significantly, the decree allowed the pope to dispense 'sublime and literate persons' from its operation, enabling them to hold more than a single parish living. And in fact considerable numbers of such dispensations, granted at the petition of kings and bishops, appear on the papal registers of the thirteenth century.

Who were these 'sublime and literate persons'? They were, of course, relatives of the king and nobility, and royal and papal administrators. The happy hunting ground of the pluralist was the pool of prebends in cathedrals and other collegiate churches, as these were exempt from the canonical prohibition. But parish livings were also collected. John Mansel, a leading minister of Henry III, received a papal dispensation in 1260 covering his simultaneous occupation of the treasurership of York Cathedral, the provostship of Beverley Minster, the chancellorship of St Paul's Cathedral, and numerous other benefices, ten of which were parish livings (Bliss 1893: 363).

A representative list of pluralists can be found in the register of Robert Winchelsey, archbishop of Canterbury (1294–1313). This contains the names of clerks who had rendered account at the prerogative court of Canterbury in the time of his predecessor John Pecham (1279–92) because the deceased had held property in more than one diocese. In all, fifty pluralists are listed. Some of these were smallscale

aggregators with not more than two livings; but the majority held several. The most conspicuous are the king's clerks, among whom the palm is easily carried off by Adam de Stratton, Keeper of the King's Works and Chamberlain of the Exchequer, who appears as having held twenty-three churches at the same time in six different dioceses (Graham 1952: ii. 1148–9).

Denunciation of plurality was commonplace among moralists and preachers of the thirteenth century. Thomas of Cantimpré, the Dominican anecdotist, regaled his readers with a story of Philip, the Chancellor of Paris, who declined to accept the conclusion of the bishop, William of Auvergne, that no man might hold two benefices with cure of souls and be saved. He refused to repent of it even on his deathbed, saying that he intended to find out experimentally whether or not pluralism was a mortal sin. And he did. The tormented soul of the chancellor troubled the bishop in his prayers (Colverinus 1627: 73). The story was one of many cautionary tales circulated by the friars in their anthologies of *exempla*. In his *Summa of Virtues and Vices* – a popular compendium of moral theology that was widely read – William Peraldus, also a Dominican, made short work of the arguments of those who sought to justify plurality: 'some argue it is lawful because they spend the income of their benefices well, others because they are noble persons. Will it do for a barrister to spend his income well, if he misses his case in court, or for a mercenary soldier to spend his wages well, but not go to war?' The pluralists defrauded God and other poor clerks who deserved the benefices they wrongfully appropriated (Peraldus 1587, fos. 59–62).

For all this, the extent of gross plurality can easily be exaggerated. It was peculiar to a limited class of clergy, most of whom were engaged in public service. It affected only a relatively small number of churches. Zealous bishops strove to control it, but they were defeated by the easy distribution of papal dispensations and by the general inertia of the social organism, as much as by the prevailing attitude of the aristocracy. It was not really capable of an isolated solution, for it was only one element in the whole system by which ecclesiastical wealth was redistributed.

Averting our eyes from the rich pluralist and the professional absentee, we come at last to the genuine parish priest, who might be a resident rector or, more often than not, a perpetual vicar or a wage-earning chaplain. He was the man entrusted with the dispensation of the sacraments and the pastoral guidance of the people of the parish. He was the occupant of the manse alongside the village church. Socially and economically he belonged to the people he served. Throughout the thirteenth century the ecclesiastical authorities multiplied instructions designed to raise his spiritual and educational level and to improve the performance of his pastoral duties, to make him in fact a man apart from the people.

The canon law required the priest to be celibate. It had been one of the cardinal aims of the Gregorian Reform to restore the ancient Western discipline of clerical celibacy, which had widely fallen into disregard. The legislation against clerical marriage culminated in a decree of the First Lateran Council (1123) declaring marriages contracted by clergy in major orders to be invalid and requiring the partners in such cases to separate (Alberigo and Tanner 1990: i.191, 194; cf. Brooke 1956). By that date, then, if not earlier, the law of clerical celibacy was complete and unequivocal. Of course, the history of its enforcement is another story altogether. Among the higher clergy, marriage or regular concubinage had been largely eliminated by the

thirteenth century. But at parish level clerical marriage proved much harder to eliminate. Although the evidence does not allow us to quantify, there is enough to show that in the thirteenth century a significant number of the parish clergy still lived with women who, whatever their position under the canon law, retained the status of wives in the eyes of the local community.

The constant reiteration of the prohibitions and penalties in diocesan synods throughout the century indicates the stubbornness of the problem. 'It has come to our notice through the report of several trustworthy persons,' declared the cardinal legate in 1237, 'that many clerks, forgetful of their own salvation, after entering into clandestine marriages, are not afraid to retain their churches together with their wives. In order to deal with this malady, which is said to have grown widespread, we have made the decisions that follow' (Powicke and Cheney 1964: II.i. 252). The women themselves were brought under attack as well as their clerical spouses. They were to be denied the blessed bread, holy water, and the kiss of peace. Unless, after a third admonition, they quitted the houses of the clergy, they were to be publicly excommunicated and the secular arm was to be invoked against them (ibid: II.i. 63, 117, 132, 187, 229, 428, 440, 463, 486, 555-6; II.ii. 646, 1015, 1083). Bishop Richard le Poore of Salisbury urged that they should be either forced into a respectable marriage or dispatched to the cloister (ibid: II.i. 62). Walter Cantilupe of Worcester decreed penalties against laymen who harboured the concubines of the clergy in their houses; his archdeacons were ordered to hunt out their retreats and identify those who offered them safe lodging at the time of visitations (ibid: II.i. 312).

Despite the fulminations of authority, it is clear that some of the parish clergy remained unmoved and that their wives and children were an accepted part of village society. In 1227 a Kentish man named Allen took his wife before ecclesiastical judges to get an annulment. We do not know why he sought release from his marriage, but the basis of his claim was that his wife's father was the parish priest who had baptised him, so that a forbidden spiritual relationship (a *cognatio spiritualis*) existed between him and his wife (Bliss 1893: 118). This situation was common enough to deserve special mention in a number of diocesan statutes. No social stigma attached to being the son or daughter of a priest, and many of them seem to have lived out their lives happily in the village where their father ministered.⁶

There can be no doubt that the local community connived at the marriage of their priest and in some cases helped to conceal the facts from the ecclesiastical authorities. In 1223 the jurors of Gunthorpe in Rutland testified in a legal action that their church, which was a parochial chapel, had been served by a priest named Reginald, who had held it for life; but that in his old age his son, Henry the chaplain, had taken his place. Henry had never been instituted by the bishop and his quiet takeover at the manse had evidently escaped the notice of the archdeacon. It was only on Henry's death that litigation occurred over the status of the church and the facts, which were well known to the villagers, came to light (Curia regis Rolls 1959: no. 1044).

It must have been fairly easy for the married priest who was on good terms with his parishioners to evade the episcopal harrow. Thomas of Chobham, writing his manual for confessors shortly before the year 1216, complains that the women who co-habit with priests are never put to due penance because priests who have concubines make reciprocal arrangements with one another to hear the confessions of their womenfolk (Broomfield 1968: 386). The bishops, adds Thomas, are much to blame

for allowing this kind of thing to happen. The thing that was liable to be the undoing of the married priest was litigation involving his patrons. The canons of Dunstable sought a rescript from Pope Innocent III against the rector of Marston and the vicars of their appropriated churches, alleging that they kept women publicly in fornication and adultery in their houses and refused to abandon them. We may wonder what made the canons suddenly aware of this widespread delinquency; perhaps the bishop was breathing down their necks. But more probably the answer is to be found in another papal letter which reveals that the rector of Marston and other clerks were in dispute with the canons who wanted to raise rents (Cheney and Cheney 1967: nos. 1107–8). It looks rather as if the canons had not troubled themselves much about the morals of their parish clergy until their own financial interests were involved and that they then resorted to a charge of incontinence in order to get their way.

It was against the inheritance of churches, of the kind that occurred at Gunthorpe, that the reformers directed their most concentrated fire. Provincial councils and papal decretals inveighed against it, but success was hard won and for long incomplete. Social pressures were too strong. It was natural that the son of a priest should be inclined to follow his father's calling; indeed, in the tightly stratified society of the age, little alternative occupation may have been open to him unless he was to suffer social declassification. Illegitimacy was a canonical impediment to ordination which required a dispensation, but this difficulty was often evaded.⁷ Many a parish chaplain who was the son of a priest must have gained all his rudimentary knowledge of Latin and the service books from the parish clerk. Having been ordained with this frail educational equipment, and perhaps with vestments lent from his father's stock,⁸ he could get himself taken on as a chaplain elsewhere or even step quietly into his father's position in the village church, as the older priest grew increasingly infirm.

The struggle to prevent churches from passing from father to son was far from won at the outset of the thirteenth century. The clergy in possession put up a stiff fight, and several English bishops found it necessary to get papal mandates to deprive offenders (Powicke and Cheney 1964: II.i. 98–9). The abbot and monks of Bury complained to the pope that they were unable to recover possession of their church of Wrabness in Essex because it was occupied by a clerk and his son, who had held papal letters at bay for a long time by each pretending in turn to be the parson (Cheney and Cheney 1967: n. 11). In Wales, it was alleged in 1222 that the bishop of St Asaph allowed the bastards of priests to succeed to their fathers' churches as of right and regularised the practice by making a charge for the right of succession (Bliss 1893: 85). As late as 1235, Bishop Alexander Stavensby of Coventry obtained a mandate from Pope Gregory IX against sons of priests in his diocese, 'some of whom are married and living in concubinage, who endeavour to succeed their fathers immediately in the same churches and occupy them forcibly on the grounds of hereditary right' (Shirley 1862: 560). But the relentless pressure of authority, combined no doubt with the self-interest of patrons, gradually took its toll on clerical families. Although the Council of Lambeth in 1281 had to remind prelates of the need to prevent benefices passing from father to son, by that date the abuse seems to have become rare.

What level of education and religious knowledge did the parish clergy possess in the thirteenth century? We are not thinking of the absentee rector engaged in the administration of church or state, who might be a university product, but of the

humbler priest, the peasant rector, vicar or parish chaplain, who actually occupied the manse. His illiteracy and ignorance were a favourite butt for contemporary satirists including the friars, and the object of much professed concern by the rulers of the Church. 'The ignorance of priests', observed Archbishop Pecham gloomily, 'casts the people into the ditch of error' (Powicke and Cheney 1964: II.ii. 900). Archdeacons and others who instituted clerks to parish churches were frequently reminded of their duty to examine those presented to livings and to reject those whose education was below standard. Bishops' registers record cases where the candidate was refused institution because he was 'insufficiently lettered'. Occasionally men were required to attend the schools as a condition of being accepted. Doubtless some examiners were more demanding than others, but in general these little oral tests cannot have amounted to much. And, of course, many of the unbeneficed clergy, such as parish chaplains, escaped even this perfunctory sifting.

The fact is, it is hard to discern any consistent standard in the pronouncements made by reformers and educators of the period on the one hand, and by officialdom on the other. In his *Sacerdos ad altare accessurus*, Alexander Nequam, the scholarly abbot of Cirencester, prescribes for the would-be priest a reading list that includes the Latin poets as well as the logical and scientific works of Aristotle (Haskins 1927: 356–76). 'I reckon nothing is more fitting to a clerk than to cling to the study of letters,' wrote Philip of Harvengt, 'to have a codex in his hand and to frequent lectures; and this not only in youth, but all the more graciously and with more delight in the flower of his old age' (Migne 1855: col. 159). He would have the clergy study the liberal arts to prepare themselves for studying the scriptures. But both Nequam and Philip were schoolmen writing from the cloister for a clerical elite.

The synodal statutes of English bishops constantly impress upon the parish clergy that they are bound to sing, or at least publicly to recite the divine office daily in their churches. They are told they must do so distinctly, devoutly, without making cuts in the text and without syncopating words (Powicke and Cheney 1964: II.i. 29, 79, 346, 360, 377; Martin 1884: 739). There is not much evidence to show how these requirements were observed in the thirteenth century; but authors of pastoral treatises of the time, such as Edmund of Abingdon, Thomas of Chobham, and Richard Wethershed, assume that the offices are recited daily in churches (Forshaw 1973: 57, 81).⁹ Now this, if done in any meaningful way, presupposes no mean facility in reading Latin. Apart from the technical expertise necessary to find one's way through the various service books used for the office and to interpret the rubrics, it needed a fairly robust Latinist to understand many of the lessons drawn from the Fathers that formed part of matins.

At the other end of the spectrum, the Council of Oxford in 1222 instructed archdeacons on their visitations to ensure that the priest could correctly recite at least the unvarying words of the mass canon and the words of baptism, and to make sure that he understood their meaning (Powicke and Cheney 1964: II.i. 115). Here the Council was assuming, perhaps more realistically, a much lower standard of Latin literacy. A rustic priest who could scrape through this undemanding test would still be a long way from being able to recite the lectionary intelligently or to read the Vulgate text of the scriptures.

The limitations of some of the rural clergy are highlighted by the record of a visitation conducted by the dean of Salisbury in 1222. The dean, William de Wanda,

whom we have already encountered, had visited the prebendal church of Sonning in Berkshire in 1220. Following this, he decided it was time to investigate the clergy serving the dependent chapels of the parish, and in the summer of 1222 the chaplains were summoned to meet him at Sonning. There, to their dismay, they were given a basic comprehension test, and six of the seven of them were found wanting. Simon, the first of them, who assisted the vicar of Sonning at the parish church, gave details of his ordination four years previously by the bishop of Lincoln. He was then tested on his ability to understand the Latin of the gospel for the first Sunday of Advent. On this he failed ignominiously. The examiners then tried him with the opening words of the eucharistic prayer in the Mass: 'Thee, therefore, most merciful father, we implore', etc. Perhaps he would be good enough to parse the sentence and explain which part of speech governed the accusative 'thee'. 'The Father,' he answered hopefully, 'for the Father governs all things.' The viva proceeded mercifully. The candidate was unable to distinguish one antiphon from another, and he had not learned the Psalter by heart. 'He is quite illiterate', wrote the dean's clerk. The rest were set a similar test and all were failed. 'He knows nothing; he knows neither how to read nor how to sing', wrote the clerk tersely after the examination of Reginald the chaplain of Arborfield (Rich Jones 1883: 304–5). At the end, the vicar of Sonning was brusquely ordered to find himself better chaplains if he wanted to retain his benefice.

Visitation records are tricky material. An assessment in this case must make allowance for the cultural shock felt by the highly educated and well-to-do prelate, resident of the most learned chapter in England, when faced by a peasant priest who had had no more than a light brush with formal schooling. Intellectually they were denizens of different planets. There is a hint of the disdain that the new intellectual elite of the thirteenth century were inclined to express for the rustic (Murray 1978: 237–9). A man might, after all, learn the stereotype liturgical Latin texts by rote and have some understanding of their sense, yet be incapable of grammatical analysis. The chaplains of Sonning sensed that the dean was hostile, and their ruffled self-respect breaks through the record. Simon, the first victim, protested fiercely at the indecency of examining a man who had already been ordained to the priesthood; and when he emerged from the room, the rest went into a huddle and agreed they would refuse to answer any of the questions – a show of bravado none of them managed to maintain in the dean's presence. But even if the test was slightly less than fair, it revealed a serious problem: the linguistic equipment of the chaplains was so poor that they could not have done much to instruct their lay parishioners. Being themselves almost without Latin, they lacked the means of access to the written sources of religious knowledge, including the Bible.

During the twelfth and thirteenth centuries, educational opportunity expanded in England as it did elsewhere in Western Europe, but much of this improvement was slow in reaching the parochial clergy. The spread of literacy among the urban laity, the proliferation of higher schools and the rise of the universities had, by creating a highly educated clerical elite, only served to accentuate the problems of the unlettered peasant priest living in a still largely oral society. The law permitted suitable clerks to be dispensed from the obligation of residence so that they could enjoy the emoluments of their benefices while attending the schools, and until residence was

more stringently enforced by papal decree in 1274, English bishops dispensed fairly liberally (Boyle 1962).

Those who had the intellectual and linguistic equipment and the money that was needed to attend the schools were those clerks who, being the sons of the landed gentry, could get a benefice while still young, or the children of well-to-do merchants and professional men, who could afford to pay for their education. Many of them who emerged with the master's licence were lost to the pastoral care. They were snapped up by kings, bishops and nobility, and joined the ranks of the administrative elite and the higher clergy; for there was a buoyant market for graduates in the thirteenth century and there were tempting career prospects. Only some were content to reside and work as parish priests. Besides the graduates, a number of beneficed clergy – how many we can never tell – spent a period of two or three years at the schools and returned to their livings without having attempted a degree (Dunbabin 1984: 568–9). But only a minority of the men who actually ministered in the parishes can ever have attended one of the higher schools.

For the annual chaplains and most of the perpetual vicars, formal education must have begun and ended at a humble song school owned by a monastery or collegiate church and conducted in the adjacent town by a hired schoolmaster. It was at such a school in the borough of Bury St Edmunds that Abbot Samson, when he was an impoverished boy clerk, had received his first lessons from Master William of Diss (Butler 1949: 44, 95). There are traces of schools like this in several English towns by the end of the twelfth century. What they provided can have been little more than elementary instruction in the Latin psalter and liturgical chant. Parish clerks, too, were expected by canon law to teach the children of their parishes, and there is evidence that some of them did so (Orme 1973: 67; Owen 1971: 106). No doubt their services were supplemented by many a village priest who taught his own or a neighbour's son to read Latin after a fashion – the same Latin that he had once acquired himself.

The gap between higher learning and the educational equipment of most of the parish clergy was widened by the activities of the schoolmen. In the course of the thirteenth century the schools fostered important developments in sacramental and moral theology and canon law. The great syntheses appearing at Paris and Bologna and the glosses of the masters were creating a new kind of theological and canonistic science, and this had important implications for the pastoral care. The practice of the confessional, for instance, was being quietly transformed by a new science of casuistry. In the hands of such early thirteenth-century masters as Robert Curzon, Thomas of Chobham and William of Auxerre, the analysis of sin and human motivation achieved a stage of refinement that was beginning to make the old penitentials look obsolete (Lottin 1949).¹⁰

At the same time, new and heavier demands were being made on the parish clergy. The new legislation not only reiterated the long-standing obligation of the faithful to confess at least once a year to their parish priest; it also required him to preach regularly to his people. When he attended the diocesan synod, he was constantly reminded of his duty to preach on the ten commandments, the capital sins and the articles of faith (Powicke and Cheney 1964: II.i. 268, 304, 345). These requirements, combined with the revival of popular preaching at the beginning of the century and

the wider dissemination of literacy among the laity, aroused expectations that few parish chaplains would have been able to meet.

The question was how to equip the parish clergy to meet these demands in the absence of any formal institutional training. English bishops wrestled with this intractable problem in a variety of ways. They used the diocesan synod, prescribed by the General Council, as an instrument for enforcing the new legislation and training the clergy in the duties of their office. The more conscientious bishops convened a synod every year. William de Blois of Worcester showed special concern for the attendance of the annual wage-earning chaplains: their rectors were instructed to provide them with horses and victuals for the journey to and from the assembly (ibid: II.i. 175). In a number of cases they prescribed, or even themselves provided, instructional manuals containing detailed guidance on the administration of the sacraments, especially on hearing confessions and the direction of penitents. As Walter Cantilupe of Worcester explained to his clergy in 1240 at a meeting of the synod: 'Priests, some of whom are simple persons, should have the knowledge to instruct their parishioners how they ought to confess and examine their consciences, and they should know the varieties of penance that are enjoined by law. We have, in fact, composed a treatise on confession, and we have bidden all chaplains to write out a copy of it and observe it when they hear confessions, for it would have taken too long to publish it in the present synod' (ibid: II.i. 305, 320). And he meant to be read: in future, clergy were to be examined in the contents of his booklet before being instituted to livings in the diocese.

If Cantilupe needed literary models for his book, there were plenty to hand by that date. Since the end of the twelfth century a whole new genre of didactic literature had appeared, designed to instruct the parish clergy in moral theology and the rudiments of canon law and to equip them for their duties. Although they were written by schoolmen, treatises of this type were pitched at a much lower level than the scholastic literature of the university classrooms. They were essentially practical manuals, works of vulgarisation in fact, which summarised the teaching of the schools in a form digestible by a less educated readership.¹¹ Some of the earliest of them, such as the *Liber Poenitentialis* of Alain of Lille and the similar book by Robert of Flamborough, were designed to provide guidance on the new canon law – the *ius novum* – for those who had to hear confessions. Both writers, who were products of the Paris schools, quote extensively from the decretals. In the years before any official compilation of the decretals had been promulgated, they offered a helpful digest of ecclesiastical law on the various issues likely to arise in the confessional. Their usefulness is indicated by the many manuscripts of their works that survive both in England and on the continent.

Other manuals of this kind ranged more widely. The *Summa Confessorum* composed by Thomas of Chobham, the sub-dean of Salisbury, was the work of another schoolman who had been to Paris. He wrote his book at about the time of the Lateran Council of 1215. As he explains in his preface, his intention was severely practical: 'We shall bypass subtleties and theoretical inquiries, and deal more carefully with the working details and practical considerations that are needful to priests in hearing confessions and enjoining penances' (Broomfield 1968: 3). But within this framework he provided his readers with an extensive summary of current moral

and sacramental theology. His discussion of ordination and marriage, for instance, amounts in each case to a miniature treatise on the subject.

What makes Thomas's book so interesting is not only the fact that it communicates the new thinking of the schools in a language free from jargon; it also envisages the problems faced by parish clergy in a variety of different situations. He has one foot already in the newly emerged urban societies of his time. This was the area to which the friars were about to direct their chief missionary effort. And one of the reasons for their success with the urban bourgeoisie was that they talked the language of the market-place and accepted the morality of commercial profit, even if in a limited form (Little 1978).¹² This modification of traditional teaching on the subject of commerce had been prepared at Paris in the classrooms of Peter the Chanter and his disciples; and Thomas provides a résumé of it for his clerical readers:

(The essence of) business is to buy something more cheaply, with the intention of selling it more dearly. But this is quite permissible for lay people, even if they render no compensation for the goods they have previously purchased and subsequently sold. For otherwise there would be great shortage in some areas. For merchants transport what is abundant in one area to another place where the same thing is in short supply. Therefore merchants can legitimately receive the price of their labour and carriage and their expenses over and above what they paid when they purchased the goods.

(Broomfield 1968: 301-2)

This was a reassuring message for confessors to communicate to their urban penitents, even if it was hedged about by the reservation that the seller's margin should not exceed 50 per cent of the just price of the goods.

Thomas's avowed object was to equip priests with the knowledge they needed to instruct their parishioners when they came to confession. A similar aim inspired another manual of the same period called the *Good Pastors' Summa* (*Summa qui bene presunt*) written by Master Richard of Wetheringset, who was chancellor of Cambridge. Master Richard's main concern was to help the parish clergy fulfil their obligation to preach to their people. To this end he provides a comprehensive syllabus of instruction in faith and morals. The priest should preach regularly on the articles of the creed, the seven petitions of the Pater Noster, the seven gifts of the Spirit, the seven cardinal virtues and the seven capital sins, the seven sacraments, the ten commandments, the reward of the just and the punishment of the wicked, and the duties of subordinates and their betters. For suitable authorities and illustrations 'by which untutored minds can be more easily persuaded' he refers his readers to the Bible and the commentaries of the masters, especially those of Master William de Montibus, sometime chancellor of Lincoln (London, Lambeth Palace, MS.144, fos. 35v-36).

This basic syllabus of instruction was a common framework adopted by several authors of pastoral manuals writing in England in the first half of the thirteenth century. They borrow freely from one another and also from continental models including Peraldus' widely read *Summa of Virtues and Vices*. Most of them were simpler, smaller and more modest in scope than the books of Chobham and Peraldus. One of these slighter treatises that followed the plan of Wetheringset was the *Temple of the*

Lord composed by Grosseteste, which resorts to elaborate schematic diagrams and cumbrous mnemonics to help memorise the virtues and vices (Goering and Mantello 1984).¹³ These devices, which strike the modern eye as quaint, provide vivid testimony to the limitations of the untutored readership they were designed to help.

There can be no doubt that in the thirteenth century a mounting concern for the education of the parish clergy derived its impetus from the increasing proportion of bishops who were recruited from the ranks of the university schoolmen. In the last decade of the century this concern was given a fresh stimulus by the papacy in the shape of the constitution *Cum ex eo* published in March 1298 by Pope Boniface VIII. This decree, which was specifically addressed to a chronic shortage of learned men in the parochial ministry, provided a fresh solution to the problem. It authorized bishops to dispense men newly appointed as rectors of parishes to absent themselves from their churches for a specified period for 'the study of letters'. Strict conditions were attached to such permits. The recipients of the privilege would receive the stipend from their church during their studies, but out of this they were bound to supply a sufficient amount to maintain in their absence a competent vicar to serve their parishes. Leave of absence for study might last for a period of one up to seven years. The young candidate must be ordained at least to the sub-diaconate and on completion of his studies must be at once ordained a priest or forfeit his benefice. The great advantage of the arrangement was that the student was supported out of the income of his parish.

Recent work has shown that from the beginning of the fourteenth century English bishops availed themselves of the decree *Cum ex eo* to send parish clergy to the schools in increasing numbers. A Search of the Episcopal registers of the huge diocese of Lincoln has revealed that in the first half of the fourteenth century no less than 1261 beneficed parish rectors of the diocese received licences of absence under the constitution for study, many for a period of one or two years, some for as long as seven years. (F. D. Logan 2014). Comparisons with two other dioceses show that similar licences for study leave were granted elsewhere and in similar numbers. The places where the recipients were to study are occasionally named in the permits. It has been argued that in the majority of cases the schools concerned were the universities of Oxford or Cambridge, or in some instances foreign universities such as Paris, Orleans or Bologna. Qualifications in the subjects most directly concerning the clergy, that is Theology or Canon Law, were only available to those who had already studied and graduated in Arts. The licences for one or two years of absence would not have sufficed to cover a period of graduation in the Arts, but would have enabled the recipients to register as students in the numerous University halls, where they would have attended lectures on the subjects of the trivium and quadrivium and would have improved their Latin. In this way the teaching in the universities and a number of advanced schools in cathedrals was successfully harnessed to the task of educating the parish clergy for their pastoral roles.

NOTES

- 1 To the twelfth-century examples cited by Cheney can be added at least eleven vicarages ordained in the Chichester diocese by bishops John Greenford (1174–80) and Seffrid II (1180–1204) (Mayr-Harting 1964: 57–61).

- 2 The church was valued at 40 marks in the assessment of 1254 (Lunt 1926: 293) and at £36.13.4 in that of 1291 (Ayscough and Caley 1802: 37). A truer value (£81.16.7) was disclosed by an extent made in 1314–15 (Lunt 1926: 608).
- 3 The following figures are drawn from Davis and Foster 1925, and Hill 1950.
- 4 Robert Bingham, bishop of Salisbury, complained that many would-be ordinands deceived his official with fraudulent titles which they obtained by promising their guarantors that, once ordained, they would make no claims on them. The complaint was repeated by Fulk Basset in his London statutes of 1245–59: Powicke and Cheney 1964: II.i. 373–4, 644.
- 5 At the Wiltshire eyre of the judges in 1249, out of 175 persons accused of crime 21 were clerks, described as either *clerici* or *capellani*. Several of them were said to be members of gangs charged with violent robbery (Meekings 1961: 99).
- 6 At Great Paxton, for instance, the rector Master Peter had a son named Richard who witnessed four Paxton deeds between 1230 and 1240 as ‘filius Magistri Petri’ and ‘filius persone’ (Foster 1931: 192–4). Such attestations are not uncommon.
- 7 In 1228, when the chapter of Salisbury had to elect a new bishop, several members, including the dean, confessed that they were disqualified as being of illegitimate birth and lacking the necessary dispensations (Rich Jones 1883: 104–16).
- 8 At the visitation of Sonning in 1220 it was revealed that the vicar, Vitalis, had a son who served the church of Loddon, and that Vitalis had given him an alb belonging to the church of Sonning (Rich Jones 1883: 275).
- 9 Chobham gives detailed advice on the subject (Broomfield 1968: 123, 129–30). For later evidence see Bowker 1967: 112.
- 10 More conservative writers such as Grosseteste continued to refer to the penalties prescribed by the old penitentials, but the general trend was towards allowing the confessor wide discretion (Goering 1978).
- 11 For a descriptive list, to which several items could be added, see Michaud-Quantin 1962.
- 12 But see the critique of Little’s thesis in d’Avray 1985: 204–25.
- 13 For other pastoral manuals of the thirteenth century, see Boyle 1977.

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CHAPTER FORTY-THREE

EVERYDAY LIFE AND ELITES IN THE LATER MIDDLE AGES

The civilised and the barbarian



Gábor Klaniczay

I

Historians of medieval and early modern Europe have been struggling for a long time to find the best way to characterise most appropriately the vivid variety they encounter in the documents that reveal the texture of life in those periods. If they want to go beyond nineteenth-century romanticism or antiquarianism, historians have to construct broad concepts to frame and analyse without anachronism the manifestations of originality and diversity they rightly perceive in their evidence. Since the beginning of the twentieth century, some historians have eschewed the political, legal, institutional and philological approaches that prevailed earlier and still command allegiance in many quarters, and have turned instead to the concept of everyday life (French *la vie quotidienne*; German *Alltagsgeschichte*). With this, a whole series of scholars have set out to examine a wider and deeper sphere of experienced realities. Their aim has been to unveil the material structures defining the conditions in which life was lived during the period concerned (Schultz 1889/1965, 1892; Langlois 1926–8; Coulton 1928; Faral 1942; Delort 1972; Le Goff 1977; Borst 1983; Kühnel 1986; Jaritz 1989; *Medium Aevum Quotidianum*). Especially in recent decades, on the basis of fruitful exchanges with anthropological theory, a similar all-embracing concept has been put forward, the *histoire des mentalités* (Le Goff 1977; Martin 1996) which approaches everyday realities from the opposite side, that is, from the abstractions used by historical subjects in a given period, and the ways in which those subjects perceived time, space, nature, gender and the norms regulating behaviour in those fields. The history of material culture (German *Realienkunde*) (Braudel 1979; Veröffentlichungen 1977–98) and the various branches of historical anthropology have inherited the goals of the exponents of these two conceptual approaches, and tried to combine and nuance them in various ways by drawing on the resources of an ever-widening field of interdisciplinary methodology. All these approaches have one thing in common: the assumption that the underlying structural features – material, social, and mental – of life in a given period and place could be characterised within a single explanatory framework, which could then be

subdivided further into sociological, regional and chronological categories, such as norms and modes of conduct (*Lebensformen*) (Huizinga 1924/1996; Borst 1973).

Parallel to these developments came the emergence of dualistic explanatory systems. Although histories of everyday life generally include rich material on well-documented special occasions such as feasts (Alewyn-Sälzle 1959; Heers 1971), research in this latter field has logically tended to pursue a separate line and to concentrate on the contrast between the ongoing flow of everyday life, on the one hand, and, on the other, episodic festive occasions that were ritually and ceremonially regulated or playfully exploited. There is an interesting historiography differentiating popular culture from elite culture, and exploring the interplay between them. This distinction has indeed established itself as a powerful interpretative framework capable of accounting for basic socio-cultural contrasts (ecclesiastical: secular; religious: magical; written: oral; institutional: communal; courtly/urban: secular), as well as indicating important mechanisms of historical change (vulgarisation, conflict, repression, reform) (Bakhtin 1984; Davis 1975; Burke 1978; Muchembled 1978). Similar advantages might be ascribed to the recent renewal of prosopographically orientated history of elites on the one hand (Stone and Stone 1984; Bulst and Genet 1986) and a social history 'from below' on the other (Thompson 1963). Gender has proved another fruitful binary opposition in historical analyses, not least for the periods covered in this chapter. Another contrasting pair which seems to have been quite widely used recently is public: private (Aries and Duby 1988). Finally, I would classify among dualistic explanatory systems all research that assumes an opposition between nature and culture – whether associated with the history of the body (Foucault 1977, 1990–2; Bynum 1987; Brown 1989; Feher and Nadaff 1989; Kay and Rubin 1994), childhood (Aries 1962), death (Aries 1975), or the evolution of norms, behavioural patterns, and institutions – and tries to assert the domination of culture over nature in the broader sense (Thomas 1984).

Needless to say, all these (partly overlapping and partly complementary) frameworks with their individual merits and shortcomings are relevant to the topic of this chapter. Each of them could provide a starting-point for examining the relationship of elites to everyday life at the end of the Middle Ages, and the selection of any one of them ought to be combined with the findings of rival methodologies. The starting-point I have chosen, namely Norbert Elias's theory of the civilising process, is drawn from the explanatory systems I have labelled dualistic (Elias 1939/1969, 1978).

The relevance of Elias's theory to my subject is evident, concentrating as it does on the routines, norms, forms of etiquette, and morals which regulated such manifestations of late medieval and early modern life as eating habits, dress, attitudes to bodily functions, and behaviours in public and private places. More importantly, according to Elias the changes in these areas of life were brought about by and contributed further to the distinctive ambitions of contemporary elites, whether chivalrous, urban, courtly, or intellectual. The theory of the civilising process has the advantage of taking into account the irreducible originality of the late medieval/ early modern world-views stressed by historians of mentalities and historical anthropologists, while pointing to the possible tools, agents, ideals and social conditions of the historical transformation that bridges the difference between those people and ourselves (on Elias see Aya 1978; Gleichmann, Goudsblom and Korte

1979; Chartier 1980, 1988). Other theoretically informed historical investigations have since confirmed and nuanced the outlines of the transformation: a growing self-discipline, a distancing from and repression of bodily realities, a deepening gulf between elites and popular culture, the multiplication of new techniques and cultural means for dealing with nature in all its aspects, the emergence of a set of new institutions capable of restructuring social and mental dispositions according to a new set of norms (Foucault; Ariès; Braudel; Burke).

One more thing could be added to underline the usefulness of Elias's work in the present context. Concentrating on early modern court society, which he viewed as the main historical laboratory where the new model of civilisation could be matured, Elias depicted a very special historical moment in the relationship of elites to everyday life. Within the political and sociological constraints of increasingly powerful courts, the whole of everyday life was transformed into new kinds of festive representation, blurring the boundaries between everyday and festivity, private and public. All this restructured the rules of communication, behaviour and ritual order. The emerging new norms, mediated by fashions, treatises on civility, court etiquettes and civilised eating utensils, not only brought about a growing awareness of a refined daily life in courtly elite circles, but also provided those elites with a new way of differentiating themselves from the rest of society and of criticising uncivilised aspects of the daily life of others. We have here, then, in the fifteenth and sixteenth centuries, a very complex and conflict-ridden set of relationships awaiting exploration by us.

II

I now want to examine more closely the historical transformations described by Elias; specifically, I want to reconsider his explanation of how the civilising process was intensified during the Renaissance. Elias drew attention to the increasing number and more refined character of the civility treatises of this period (Erasmus, Castiglione, Dedekind, and della Casa). That these treatises represent a turning-point in the long-term evolution of manners is beyond doubt. Yet this assertion can scarcely be accommodated within Elias's broader characterisation of the civilising process. He postulates a gradual, linear evolution from late medieval chivalry towards the elaborated hierarchical models of absolutist courts in the seventeenth and eighteenth centuries. His central argument aims to explain the 'social genesis' of the absolutist state, which deprived the nobility of their military functions and compelled them to accept new forms of social distinction by becoming courtier-prisoners of the ruler's well-isolated absolutist household, and by adapting themselves to its rigid principles.

Italy, the paradise of Renaissance courtly culture, offers the spectacle of splendid courts with no states they could control. Here, instead of a disarmed nobility, were powerful soldiers, parvenu *condottieri*, swarming from court to court together with legions of artists and humanist scholars looking for protection while, at the same time, suffering from a sense of the humiliating nature of these conditions. Respectable members of the bourgeoisie are to be found here too. As for the civility treatises of these same court milieux – Castiglione's *The Courtier*, for instance – rather than developing the original Burgundian ideal of rigid court hierarchy and strict social differentiation, they formulated a loose and playful system. An important aspect of their cultural impact lay in their openness towards the integration of various

elements of popular culture, such as dances, farces, pageants, masquerades, carnivals, obscene jokes and sexual licence (Prosperi 1980; Heers 1983; Burke 1978, 1987; Trexler 1980; Lever 1983; Ginzburg 1996). All this seems at odds with Elias's emphasis on the intensification of the civilising process which repressed and sublimated basic manifestations of human nature; and supports, instead, the thesis of Mikhail Bakhtin who regards the Renaissance as the period of the most fruitful and intensive intrusion into the sphere of high culture of what he labels popular culture (Bakhtin 1984: 15–30). It looks as if Elias's theory needs some correcting on this point, and I now want to offer some material for this correction by taking a few steps back, towards Christian attempts at civilising everyday life in the preceding medieval period.

Christianity's negative judgement on earthly bodily pleasures (Rousselle 1988; Foucault 1990–2) gave rise during the Middle Ages to various attempts to repress, sublimate and civilise them according to ascetic principles. This model, mainly elaborated in monasteries and schools (Hugh of St-Victor, *De institutione novitiorum*, PL 176: 925–52; cf. Schmitt 1990: 173–205; Pseudo-Boethius, *De disciplina scoliarium*, ed. Weijers 1976; Jean de Garlande, *Morale Scolarium*, ed. Paetow 1927; Gabriel 1956), radiated from the monks and clergy towards various groups in secular society whose barbarous nature and rusticity those same ecclesiastics frequently deplored. After the emergence of court culture in the eleventh and twelfth centuries, churchmen did their best to contribute to the civilising of knightly elites. Some, including John of Salisbury and Walter Map, served as courtier clerics, criticising and scorning their surroundings; others, such as Petrus Alfonsi (Hilka and Sjøderhjelm 1911), Andreas Capellanus (Benton 1961) or Fra Bonvicino da Riva (Schiorkauer and Thornton 1957; Jaeger 1985), elaborated new models of court conduct. In this context, they made the first attempts to set down the principles of a Christian pedagogy to tame and regulate the instinctive functions of human nature. Yet Erasmus, in his *De civilitate morum puerilium*, was following not so much the tradition of rudimentary prescriptions about knightly eating habits as the Christian neo-Platonist pedagogical ideal of the twelfth-century monk Hugh of St-Victor.

Besides inheriting the civilising ideals that grew out of the ascetic principles of medieval Christianity, late-medieval and Renaissance courts also borrowed and amplified the Church's symbolic capital for the ceremonial – liturgical framing of festive occasions. The secularisation of various religious and cultural forms (the cult of the saints through the veneration of relics, through legends, artistic representations, pilgrimages, processions, etc.) by the chivalrous and courtly culture of the fourteenth and fifteenth centuries has been well documented (Burckhardt 1925; Huizinga 1924; Huizinga 1996; Anglo 1969). It was no coincidence, therefore, that such traditional experts in prestigious ecclesiastical representation as popes and cardinals became, in fifteenth-century Italy, the leading figures in its adaptation for secular use. Paolo Cortesi's *De cardinalatu* (1510), describing the courtly activities of the *cardinale-senatore*, is the major precursor of Castiglione's *The Courtier*, dedicated to Pope Julius II, who is said to have provided its main inspiration (Prosperi 1980: 82–3). When due allowance is made for this manifold indebtedness of Renaissance court civilisation to medieval Christianity, we are better able to appreciate key elements that are new. The Renaissance witnessed a kind of rehabilitation, even a cult, of some things that had previously been condemned. With a diminished sense of

sinfulness surrounding the body, sexuality, and nudity, and with a growing admiration for nature and natural behaviour, and a joyous devouring of earthly pleasures, Renaissance courts, humanists and artists extended their attention to areas that had previously been thought to constitute a menacing, hostile environment which civilisation would have to overcome (Stallybrass and White 1986). Yet, as soon as all these areas became parts of court culture and all that nourished it, civilising activity, with the taming and regulating that that entailed, had also to be extended to all the cultural manifestations of court life.

Let me give a few examples. In Renaissance representations of the naked and even erotic body, even while the transgression of earlier taboos is clear, a new canon was consolidated at the same time, in which, as Bakhtin's keen eye observed (1984: 319–22), the obscenity of the grotesque body, with its openings and metamorphoses, was suppressed and hidden behind a façade of athletic beauty. The new canon, exemplified in *The Courtier*, introduced new distinctions, between old and young, tall and short, and prescribed a continuous effort to attain the new norms by means of diligent gymnastic exercises or refined cosmetic devices. Similarly, in the Renaissance cult of gardens, the domesticating of a piece of nature began a trend which would lead within the next century and a half to the creations of Le Nôtre which, according to Saint-Simon, 'tyrannised Nature, enslaving it with the help of money and art' (cf. Elias 1969: 338). The same applies to the passion for owning a large collection of animals in the princely zoo, tamed by a team of specialists. Renaissance ambitions to transform nature can likewise be seen in the various utopian designs described by Thomas More (Logan 1983: 148ff.). In *The Courtier*, what counts is not the quality of being natural but rather the ability to *seem* natural, an appearance created by the famous *sprezzatura* which is among those arts the courtier most needs to cultivate (cf. Loos 1955). As to real nature, Castiglione leaves readers in as little doubt as would Giovanni della Casa a few decades later: it must be domesticated by the power of reason and custom, and human manners have to be ennobled just as plants must be refined and wild animals domesticated. It is not the cult of nature that makes pastoral nostalgia reappear in Renaissance poetry (Ronsard, du Bellay), but rather, a sudden recognition of the recent loss of contact with nature (Elias 1969: 340–1, 384ff.).

A further example is that of popular culture, in Peter Burke's sense of the verbal, ritual and symbolic culture shared by everyone (1978: 23–64). It ought to be stressed again how much courtly society was indebted to the festive aspects of late medieval and Renaissance urban and rural life. Masked balls, dances, games, mock-insulting rituals, dirty jokes, impertinent fools, big carnivals where princes, courtiers, burghers and peasants rejoiced together (the Medici, for instance, were particularly keen to protect carnivals [Chastel 1946]). These were not peripheral features of Renaissance courtly life, but among the central cultural traditions on which it depended (Burke 1978: 270–80; Heers 1983: 133–40). It is obvious, though, that courtiers wanted to distinguish themselves even in these fields. Castiglione's conversations are full of recommendations as to what kind of figures a gentleman should avoid in popular dances, under what conditions he might venture to engage in competitions, games or fights with people of lower social status. Although courtly culture was just as deeply rooted in orality as popular culture in general (cf. Burke 1993), it was precisely here that it attempted to assert its distinctiveness: besides the detailed advice

of Castiglione or della Casa, courtiers could also turn to the period's third extremely popular manual of civility, Stephano Guazzo's *La civile conversazione* (Quondam 1993). In the second half of the sixteenth century, an initial openness tended to yield to an increasing tendency towards aristocratic exclusivism. Courtly civilisation had by then created its elitist canon in the fields of verbal communication and colloquial genres, while popular dances were transmuted by an elaborate geometrical choreography (Lippe 1974/1988) and less and less space remained for spontaneity and popular participation in elite festivities.

The cause of this trend was not just the growing aristocratisation of court society. With the growing size and political importance of courts, it became more and more difficult to accommodate the rhythm of court life to the ritual cycles and periodic festive occasions of popular culture. As a slightly later observer noted: 'the courtiers have changed the order of nature: they make day into night and night into day. While others sleep, they stay up and make merry, and while others are awake, and work according to their duties, the courtiers sleep, to recover the strength lost in debauchery' (Alewyn and Sälzle 1959: 31). The elite lived in a permanent festive society with special highlights provided by their own micro-world: arrivals of ambassadors, princely visits, marriages, and funerals. In the long run, the daily events of the prince's life (getting up, walking, having meals, playing games, hunting) became the major regulators of court ceremony. Thus the inner logic of courtly life required the same thing as did the courtiers' mentality: namely, their withdrawal from the scene of popular culture, retaining only those elements that could be transformed, civilised and adapted to their own needs (Bakhtin 1984: 110–16; Burke 1978: 270–80).

Yet all of this must be viewed as the outcome of a series of conflicts in which at least three distinct tendencies can be observed in the fifteenth and sixteenth centuries. First, it was in the shadow of the prince's emerging secular power that the transgression of medieval Christian values was often carried to its utmost extreme. Writing of the courtier's morality, not only Machiavelli but Castiglione too advised hypocrisy and shrewdness: amorality was the necessary consequence of fierce struggles for princely favour, of power games, of the intrigues of courtly life. Hand in hand with this went loose morals, from the sacrilegious debaucheries of the Borgia courts to the refined eroticism of Fontainebleau. Court scientists did not abhor experiments with the occult and astrological speculations; hermetic and magical treatises circulated in increasing numbers (Yates 1964, 1972; Evans 1973). Courtiers found a special delight in exoticism, as shown in the famous episode from the beginning of the sixteenth century when Cardinal Ippolito Medici, bastard son of Giuliano, Prince of Nemours, gathered a crowd of barbarians – Arabian horsemen, Mongolian archers, black wrestlers, Indian divers, Turkish hunters – and enjoyed the Babel-like confusion of the many languages spoken (Burckhardt 1925: 273).

Second, the drive for regulation came to Renaissance courts not from within but from outside, that is, from humanist scholars who contemplated their lascivious surroundings with contempt, and longed to get away from the court (Bömer 1904; Smith 1966; Uhlig 1973). Most humanistic civility books, from Pier Paolo Vergerio or Aeneas Silvius Piccolomini to Erasmus or Guevara, were written with the explicit aim of educating the young prince in better conduct, counter-balancing the harmful influences of the courtly environment. The notion of *civilitas*, inherited from Antiquity, was by no means synonymous with courtliness (Ariès 1962: 388–90; Elias

1969: 91, 140). It tended, rather, to align itself with a long medieval tradition of court criticism. In a speech to the Medici in 1516, the Florentine humanist Lodovico Alamanni sharply opposed *habito civile* to *costume cortesani* (Prosperi 1980: 83–4). The impact of this humanistic trend varied. During the fifteenth century, court criticism left little mark on actual court manners. Castiglione and those who followed him were the first to try to harmonise Platonic and Stoic ideas with the realities of courtly life, to temper exaggerations and shape a ‘golden middle way’. What could best and most easily be adopted from humanistic critiques were not their inner content but formal requirements for civilised everyday behaviour. Thus in della Casa’s *Galateo* we hear not a word about morals or classical learned culture.

Third, even for this kind of integration into the courtly model of certain practical aspects of humanistic ideals, another, more radical, version of court criticism was needed: a version offered by preachers, whether Protestant or post-Tridentine Catholic. The German followers and translators of Erasmus, and such fiery Protestant critics as Sebastian Brandt or Geiler von Kaisersberg, disputed the superiority of the courtier as vehemently as did such Catholic moralists of the Spanish court as Antonio de Guevara, in his *Menosprecio de corte y alabanza de aldea* of 1539, or Lodovico Vives (Quondam 1980: 63–8; Burke 1995). Courtly civilisation made identical compromises with both kinds of religious sensibilities: it gave up the provocative and spectacular transgressions, and restructured courtly conduct, if not according to Christian-ascetic principles, then at least according to the rules of classical self-restraint and discipline.

To sum up the first part of my argument: the Renaissance intensification of the civilising process worked in two ways. On the one hand, there was a transgressing divergence from the road which medieval Christian and especially late-medieval Burgundian chivalrous society had been inclined to take. On the other, there was a hefty counter-reaction, as a result of which Western civilisation managed to discipline, and thus integrate within it, these broader domains of everyday life.

III

The other problem I want to discuss in connection with this late-medieval and Renaissance phase of the civilising process is the geographical diffusion of the emerging new model in Europe at large. From the moment of their birth, the ideals and everyday practices of civilisation served to define not only the social distinction of courtly milieux but equally the cultural distinction between various nations. During the Italian campaigns of the French king Charles VIII, the would-be paragons of courtliness were considered by the Italian princes as barbarians because of their slovenly appearance and the bawdy ‘disorder’ of the French court (Martines 1980: 234). A similar image of uncivilised Frenchmen, mouthing obscenities and reeking of cheese, haunts Castiglione’s *Courtier*. In Erasmus’ *Colloquia*, the typology of the inn allows the uncouth manners of the Germans to be satirised (Elias 1969: 91–2).

To avoid such an unfavourable reputation, some courts made efforts to emulate as speedily and fully as possible the most up-to-date ideals. The humanistic court of King Matthias in Hungary set out to rival contemporary Italian courts in refinement and intellectual prestige, and the dream of Hungarian humanists was to seduce the Muses themselves into the hitherto uncultivated fields of Pannonia (Schallaburg

1982). Henry VIII's courtly festivities could evoke the following comment from an Italian observer: 'the wealth and civilisation of the world are here; and those who call the English "barbarians" seem to me to render themselves such. I have perceived elegant manners, extreme decorum, and very great politeness' (Anglo 1969: 123). Elsewhere, the adoption of courtliness meant a slight change in tone and content. Norbert Elias has briefly analysed how in Germany courtly rites of civilised conduct tended to become a kind of all-embracing moral programme voiced by scholars, preachers, schoolmasters and bourgeois, all of whom urged its adoption in order to obliterate the current bad reputation of the German nation (Elias 1969: 90–6).

But all this emulation was by no means automatic. Resistance and refusal were equally natural responses. Some of the most spectacular cultural images of Renaissance transgression, whether represented by actual behaviour or expressed in mock-heroic, satirical or even deliberately exaggerated and licentious literary forms, come from countries and courts still hesitating over whether or not to adopt the new Italian–Spanish norms of civilisation. A case in point is François Rabelais, associated with the court of Francis I just at the time of the French wars against Charles V, the chief representative of Spanish courtly civilisation. Another such case is that of German Grobianistic literature. This curious genre, going back to such fourteenth-century precedents as 'The German Cato', quite deliberately attempted to shock readers by offering examples of grotesquely uncivilised behaviour. The proliferating series of depictions of Grobianic 'table manners', of the admonitions of brotherhoods of swine, of satirical guild 'regulations', and of accounts of the land of Cocaygne, began with Kobel's 1492 version and underwent successive 'improvements' at the hands of Sebastian Brandt, Hans Sachs and others (Schirokauer and Thornton 1957) until the synthesis of the Wittenberg scholar Friedrich Dedekind in 1549 (*Grobianus. De morum simplicitate*). Dedekind's work was immediately translated into German and completed by Caspar Scheidt, who taught Fischart, Rabelais' German translator (*Grobianus. Von groben Sitten und unhöflichen Gebärden*, ed. 1979), and in the course of the next century was re-translated into German and commented on no fewer than three more times (Hauffen 1889; Bömer 1904: 260–85). How are we to interpret all this enthusiasm for depicting Pantagruelian images of cheerful and aggressive barbarousness that not only violated one by one all the rules of civil decency in bodily habits, cleanliness, eating, drinking and conduct in public, but also supplied witty and revolting justifications for so doing? The sincerity of the authors' commitment to moral pedagogy need not be doubted. Nevertheless, a certain fascination with the display of barbarous *mores* cannot be excluded either. Nor should we ignore the fact that this genre enjoyed a wide audience (including some, no doubt, who were half-sympathetic to similar forms of behaviour!).

The image of popular Grobianic literature in Germany is interestingly complemented by that of Dedekind's translations. Although his excellent piece of satire inspired no Italian, Spanish or French translation or reworking, it did get translated at opposite ends of Europe: in 1592 into Hungarian by Mátyás Csáktornyai, a Lutheran schoolmaster in Tírú Mures (Marosvásárhely), Transylvania (Kösze-ghy 1998), and in 1605 into English under the title *The Schoole of Slovenrie or Cato turnd wrong side outward* (Rühl 1904). In England the book's long-lasting popularity is shown by the impact it had on Swift; and further versions were elaborated, one by Thomas Dekker (1609), another, an Oxford University drama entitled

Grobiana's Nuptials (Rühl 1904: 161–91). This kind of approving amplification of the image of the monstrous, uncivilised barbarian is at least as much a kind of cultural legitimization as a scornful satire. Several examples could be cited to prove that considerable numbers of the late-medieval and Renaissance elite preferred to behave like Grobianus rather than adopt the new civilised ways. (It might be instructive to compare the impact of civilised manners and the new routines of everyday life in the two Central European kingdoms of Hungary and Poland.)

From the thirteenth century onwards Hungary was being intensively influenced by chivalrous cultural models from the West. The courts of kings Béla III, Emeric I and Andrew II received various groups of western knights and artists, for instance Peire Vidal and Gaucelm Faidit, who came in the retinues of queens. Andrew II was among the organisers of the Fifth Crusade (1217) and he seems to have absorbed something of western courtliness as far as life-styles were concerned too. He introduced the new shaving customs among his entourage, and lavished praise on one of his knights 'because of the elegance of his manners' (Kurcz 1988; Sweeney 1981). After these early influences, and thereafter with the formation in Hungarian society of a warrior-class akin to knights, Hungarian chivalrous courtly culture flourished in the thirteenth and fourteenth centuries during the reigns of the Angevin kings and of Sigismund of Luxemburg. Two orders of chivalry, the Order of St George and the Order of the Dragon, together with several hundred newly built castles, the emergence of the chivalrously coloured cults of St Ladislaus and St George, and many other developments, testify to this belated flowering (Fügedi 1986; Marosi 1987; Klaniczay 1992).

Yet courtly and aristocratic circles in Hungary adopted an ambivalent attitude to these imported ideals. Andrew II's wife, Gertrude of Meran, was murdered in 1217 and her German relatives and retinue were expelled while the king was away on crusade (Bak 1997). The first thorough attempt to adjust social political structures to western models, by means of various royal reforms after 1241 under Béla IV and Stephen V, was followed by a resurgence of oriental fashions under Ladislas IV 'the Cuman', who despised courtly manners and preferred to live with his Cuman soldiers and concubines. Disregarding the complaints of the Hungarian clergy and the papal legate, Ladislas in 1279 guaranteed the Cumans' legal right to stick to their traditional pointed hats, Mongolian-style clothing and traditional hairstyle (Pálóczy Horváth 1989; Berend 1997). These same decades also witnessed the growing popularity of the myth of the Hunnic origin of the Hungarians, which became the central motif of the *Chronicle* of Master of Simon of Kéza, written in the 1280s (Szücs 1975).

These 'oriental' features remained in vogue in Hungary for more than a century, rivaling the attraction of western chivalrous fashions. In the first decades of the fourteenth century, some documents even reveal a kind of radiation outwards of these stylistic features towards the whole of central Europe: the *Anonymus Leobienensis* (1310) deplored the spread of these dress fashions in Styrian and German regions, and also condemned the popular practice of men's 'dividing their hair [in braids] like Hungarians or Jews' ('ut Judei vel Ungari comam dividebant. . .') (SRA I: 947). In 1330 Peter of Zittau complained about 'strange novelties in clothing, habits and morals' in Bohemia and the surrounding regions. These novelties consisted, among other things, in men's letting their beards and moustaches grow long *more barbarorum* ('in the custom of the barbarians') (FRB IV: 404). An ambivalent

response to the reception of western courtly culture was epitomised by the legend of St Ladislav, the chivalrous *athleta patriae* fighting the Cuman warrior: this hagiographic or even mythological scene was depicted on the walls of several dozen medieval Hungarian parish churches in the fourteenth and fifteenth centuries. This story directly addressed the key issue of fourteenth-century Hungarian identity: a warlike nation that had opted for Christianity and the West remained fiercely proud of its eastern marauding traditions, for the Cuman warrior fought with armour and tactics similar to those of Hungarian horsemen in pagan times and even as late as the fourteenth century. The frontispiece of the *Chronicon Pictum* shows Louis I 'the Great' (1342–82) surrounded by warriors representing the two traditions more or less equally: there are as many knights in western armour as there are orientalised figures (*Chronicon Pictum* 1986; Marosi 1991).

The 'barbarous resurgence' in late medieval Hungary in reaction to intensified western cultural influence exemplifies the precarious reception accorded in these regions to foreign models of civilisation. While the cultural impact of chivalrous manners and lifestyles remained modest throughout later centuries, similar counter-reactions occurred whenever foreign cultural or political influence was felt to be too aggressive in the royal court. The situation became further complicated after the battle of Mohács (1526), when the national kingdom was overwhelmed and one-third of the country was occupied by the Ottoman Empire, while another north-western part went to the Habsburgs, and the eastern territories were united with the Principality of Transylvania. As for the problem of the nobility's everyday life, under the new circumstances they had to beware of oriental or Ottoman influences, but necessarily treated western-type absolutist courtly models with almost as much caution. As a possible alternative, many noble courts, as well as the princely court of Transylvania, preferred to adhere to the Italian orientation of the period of Matthias Corvinus. Even this led to various conflicts, however. A good instance of anti-Italian feeling can be cited from the end of the sixteenth century, in the words of István Szamosközi, a critic of the Italian entourage of Prince Sigismund Báthory (1587–99):

This crowd of Italians was spoiling his soul with cringing adulation. . . . They arrived from unidentified corners of Italy in a miserable, ragged and dirty condition. But as soon as they joined the company of their compatriots here, and with their help they could get near to Sigismund, . . . they were transformed: now they were showing off in silk clothes, having cast off their coat of dirt and misery as snakes cast off their skins. . . . Their adulatory speeches and hypocritical flattery disarmed the prince . . . who started to chase after various pleasures with them. . . . He invited singers, harpists, flute-players and other half-fools; he continually employed vegetable-growers and flower-gardeners, cooks, pastry-makers, sausage-fillers, cheese-makers, showing off in the Italian style. Then came the actors, clowns, jesters, dancers, tailors, ball-players and other experts in godless vanities. . . . Magicians and conjurers were not lacking either. . . . They kept praising the beauties of Italian cities, the splendour of the princes there, the dignity of the cardinals . . . while they scorned the customs of the Hungarians, alien as these were to gracious conversations and devoid of any seductive beauty. They contrasted their smoothness and refinements with Hungarians' alleged rusticity and coarseness. They urged [the Prince] to exchange that barbarism for Italian customs.

Szamosközi then went on to describe at length how ridiculous he found the Italian attire adopted by Sigismund under his courtiers' influence (Szamosközi 1876: 11–16; Klaniczay 1983). The ambiguous reputation of Italian courtiers was in any event a well-known phenomenon throughout Europe: one proverb ran: 'Inglese italianato é diavolo incarnato' (Burke 1995).

IV

Was this ambiguous situation replicated in the everyday life of the Hungarian nobility in the fifteenth and sixteenth centuries? I shall try to give a brief survey of how far these nobles adopted the new courtly conduct that came to them in such ambivalent ways. They kept up with Italian or German courts in many other fields of cultural, scholarly and political display, but where everyday life and manners were concerned, the royal court as early as the reigns of Matthias Corvinus (1458–90) and of the two Jagiellon kings Wladislas II (1490–1516) and Louis II (1516–26) tended instead to reject the exaggerations of the new ideals. When King Ferdinand of Aragon wanted to send horse-trainers to King Matthias, the latter replied in a slightly offended tone: 'We never wanted horses that jump around with curved legs in the Spanish manner, because we cannot use such horses for anything serious and not even for play. We do not need horses which prance with ankles leaning inwards. The horses we want must stand firmly and robustly on their legs' (Fraknői 1893–95, II: 229). Galeotto Marzio reports of King Matthias that he refused to use the forks given to him as a present by the Prince of Ferrara, and instead went on eating with his fingers 'though in a very proper way' (Galeottus 1934: 17–18). Forks were still not in use in the Hungarian royal court half a century later in Louis II's time (Fügel 1913, 1917), and only after 1530 did they begin to appear regularly in noble dowries (Radvánszky 1896/1986: 139–40; cf. Braudel 1979: 174; Elias 1979: 172). As late as the early eighteenth century, the Transylvanian writer Peter Apor still mentions forks as a recent foreign import (Apor 1927). Roast meat went on being served in a single lump until the eighteenth century, in contrast to the western custom of serving meat already carved, as described by Elias; and individual spoons for diners were seldom recorded.

Somewhat unrefined eating habits did not mean a lack of interest, and even of a certain sophistication, in cooking. As far as we can judge, in late-medieval and early modern Hungary food had to be consumed among the elite in quantities hardly imaginable for us. For a well-to-do noble family in the sixteenth century, a regular lunch consisted of ten to twenty different courses, dinners of six to fourteen. Gatherings for celebrations within the family or including the more extended kindred, such as wedding feasts, were characterised by ostentatious hospitality. Lodovico Ariosto complained that he would not come to Hungary again because 'they eat and drink too much and they consider it an offence if one does not join them!' (Elekes 1939: 296). Late sixteenth-century Transylvanian etiquette required that glasses of brandy be emptied with every toast, though foreign envoys, so Ambassador Franco Sivori recorded, could obtain a special exemption (Klaniczay 1983: 39). This Rabelaisian image could be further illustrated by examples of the court festivities of the Jagiellon kings in early sixteenth-century Hungary. On the feast of Corpus Christi 1501, a spectacular show was organised in the castle of Buda: Muhammad's coffin was ceremoniously made to explode, wine poured out of the fountains, and roast chickens,

pigeons and turkeys were thrown to the spectators to be torn to pieces (all this was described in detail by the Venetian ambassador Tommaso Dainero [Szamota 1891: 497]). A rather belated flowering of chivalrous tournaments was incorporated into a series of splendid court carnivals. King Louis II himself participated, fighting in the guise of a Wild Man against the Devil personified by his friend George of Brandenburg (Radvánszky 1896/1986, I: 165–72; Fügedi 1985; cf. Bernheimer 1952). Hungarian and Polish court officials and chancellors, such as Krzysztof Szydłowiecki, vainly attempted to persuade the young ruler to accept a more rational and disciplined way of life (Zombori 1987): the festivities came to a close only with the disaster of Mohács in 1526, where Louis died on the battlefield.

Looking at all this through the eyes of contemporary Hungarian scholars, we become aware of a significant imbalance. There is still much evidence of criticism of courtly vanities and immorality, like the one quoted from Transylvania, and these often echo the international commonplaces of this literary genre (Smith 1966; Uhlig 1973). Yet translations of the vast corpus of fifteenth- and sixteenth-century civility books were very scarce. Apart from a third-rate school compendium of Sebald Heyden (Bömer 1904: 262; Dézsi 1897), a medieval selection of Cato's teachings, and a catechism-like adaptation of Erasmus' *De civilitate morum puerilium*, both these last two works published by Csáktornyai in Debrecen in 1591, the only civility book translated into Hungarian was Dedekind's *Grobianus*, and, as argued earlier, its civilising value could be considered somewhat ambiguous (Köszeghy 1999).

The absence of imports of this genre in Hungary can only partly be accounted for by the lack of a national royal court, or by the ongoing warfare against the Ottomans. If the majority of the Hungarian nobility, or even the cultivated elite, felt little attraction towards western and Mediterranean cultural models, this was more for reasons rooted in their *mentalité* than because of the conditions of their everyday life. They kept on repeating how much they despised 'great compliments' (Turóczy-Trostler 1956: 97). Márton Szepesi Csombor, a Protestant savant at the end of the sixteenth century, wrote mockingly about 'courtiers who try to adjust their steps to the form of a circle, or measure each step carefully as if they were tailors of gesture, so as not to make mistakes in their ridiculous leaps. All this is unfitting for us men, who ought to move in a way that shows strength and perseverance. It is women's task to flatter others by the way they talk and dress or by variations in their hairstyles' (Szepesi Csombor 1968: 322; cf. Jankovics 1987). A few decades earlier, Johannes Cuspinianus had noted that Hungarian nobles were rather proud of the 'stiff, uncultivated multitude of their ancestors who migrated from Scythia to their present location' (*rudis illa, atque inculta Majorum nostrorum multitudo ex ipsis Scythiae . . . ad haec loca migrasset*, Podhradsky 1842: 79). In 1581, a Polish courtier, Jan Gruszczyński, wrote a little book on *The duties of good society* (*Powinności dobrego towarzystwa*) based on his experiences at the Transylvanian court of Prince Stephen Báthory, where again he was met with a set of values still associated with manliness and military prowess (Kapelus 1969). It is worth mentioning that the Poles were more active at this time than the Hungarians in importing civility treatises. *The Courtier*, for instance, was translated, or rather transposed, by Łukasz Górnicki under the title *The Polish Courtier* (*Dworzanin polski*) in 1566. Yet, on closer inspection, the impression we are left with is not so different from that of the Hungarian picture. In Górnicki's book, the changed scenery and structure leave out

women because 'in Poland ladies were not learned enough to take part in the conversation'. The sections on painting and sculpture were omitted too, on the grounds that they were less relevant for Polish courtiers. Finally, the misogynistic phrases of Gasparo Pallavicino were turned into fierce diatribes against the effeminacy of Italian courtiers (Burke 1995: 90–3).

Returning to Hungary, we find only three alternatives to the lavish immorality of the courts that aped foreign ways: the stoic isolation of the scholar, the acceptance of strict Protestant morality, and the deliberate maintenance of cheerful barbarism. The second and third of these in fact have certain features in common. In 1571, Péter Bornemisza, one of the most acclaimed Protestant preachers of the second half of the sixteenth century, set out to bellow his religious message at the elite in a plebeian tone: 'in the manner of a villain, a peasant and a Grobianus' (Bornemisza 1955: 152). In central Europe, the ideal of ostentatious barbarism could be based on a specific historical tradition, namely, that of the Hungarians' original and oriental Scythian identity, or, in the case of the Poles, their Sarmatian ancestry. Both ideologies were rooted in the Middle Ages, and emerged in early modern times as factors of national identity or ethnic character. The earliest accounts of the Hungarians' Scythian identity came from the late-twelfth-century *Chronicle of the Anonymous*, and in the 1280s, they were further developed into a detailed identification of Huns with Hungarians by Master Simon of Kéza, mentioned above (Benda 1937; Eckhardt 1943: 11–51; Szűcs 1975, 1981). While the Italianate Renaissance court of King Matthias radiated its splendour throughout Europe, the noble notary Janos Thuröczy's *Chronicle of the Hungarians* provided a lengthy amplification of the Hunnic origin-myth, and this image was equally appreciated by Matthias, whom Thuröczy sets up as the second Attila (Johannes de Thurocz 1985). All this had been elaborated by Matthias' court chronicler, Antonio Bonfini (Antonius de Bonfinis 1936/74, I: 79ff.) In 1581, the same phraseology of wild, fur-clad warrior-Scythians received further rhetorical development in *Attila*, written by the humanist bishop Miklós Oláh (Nicolaus Olahus 1938; Péter 1980). The Polish nobility's consciousness of their similarity to the Sarmatians became increasingly evident at this same period, when Poland was often ruled by Transylvanian princes: as early as the seventeenth century, a Polish Franciscan, Wacław Dembolecki, advanced the hypothesis that the Scythians and Sarmatians were the same people (Michalski 1980; Petneki 1980).

This barbarian pride with its oriental tinge was also expressed in such external features as an abundance of colourful and splendidly showy costumes. The triumphal processions and entries arranged, at home or abroad, by Hungarian kings, noble ambassadors and cardinals amply illustrate all this. In 1485, Matthias's treasury was transported by 24 camels, and he also put on show large numbers of Turkish captives. In 1514, Cardinal Tamás Bakócz entered Rome with elephants and various exotically dressed troops; and in the same year the Polish cardinal Jan Laski led a *trionpho* which sought to outdo Bakócz's in mythological and oriental splendour (Petneki 1987). The Hungarian–Transylvanian nobility's colourful costumes were themselves effective vehicles of this oriental taste. They often wore the Turkish coat, the kaftán, decorated with a special set of embroidered and ornamental motifs. The wide use of non-inverted furs is among the most exotic features of this eastern European style: the nobleman's warrior-consciousness was evoked by a piece of wolf-skin or panther-skin (*kacagány*) worn over the shoulders and clasped at

the animal's feet. Special fur-trimmed hats adorned with feathers were common to Hungarians, Poles and also Cossacks, and formed another item in this oriental repertoire (Radvánszky 1896/1986, I: 56–76). This same ideal was not only accepted but even applauded by the 'civilised' courts of fifteenth- and sixteenth-century Italy, France or Germany, keen as they were on exotic manifestations of oriental difference (Raby 1982). Hungarian and Polish noblemen, however, tended to misinterpret the exotic prestige of this style: its use seemed to spare these elites the effort of adapting to new phases of the 'civilising process' for another century or so. Thus a curious core-periphery distinction is apparent in the distribution of cultural models in early modern Europe, and this contributed to the belated spread of western cultural innovations in east-central Europe.

* * *

The result of this brief re-examination of Norbert Elias's concept of the civilising process in its fifteenth- and sixteenth-century phase has been to reveal that this evolution was not simply a cumulative process, as Elias presented it. Instead, it was interrupted by several significant deviations, like those of the deliberate cultural transgressions practised in various Italian Renaissance and Mannerist courts. The early modern intensification of the civilising process was the outcome of such conflicting tendencies, not least of the various reactions which those transgressions provoked in Renaissance court culture.

The diffusion of the model from cultural 'centres' to the 'peripheries' was accompanied by a degree of resistance, by unforeseen side-effects, and by adverse reactions. New ideals of civilisation often went hand-in-hand with attempts at political and cultural domination: hence they were received in the 'newcomer' countries with justified mistrust and ambivalence. Ostentatious barbarism and Grobianism were among the characteristic transgressive traits within Renaissance culture that could be observed all over Europe. Yet these had a special relevance, and underwent peculiarly interesting metamorphoses, in the geographical diffusion of models of civility to central Europe, where, coupled with a tradition of orientalism, they were transmuted into a special set of values, a sort of counter-hegemonic strategy, which had a major impact on the manners, the everyday life, and the material culture, of central European elites.

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CHAPTER FORTY-FOUR

SCHOLASTIC THOUGHT IN HUMANIST GUISE

François Hotman's ancient French constitution



George Garnett

As an epithet for an historical period extending over roughly a millennium, Middle Age(s) (and the derivative Latinate adjective *medieval*) was coined by those scholars of the fifteenth and sixteenth centuries who would later be categorised as humanists. They saw themselves, and are still seen, as central to the cultural movement known as the Renaissance. They affected to believe that they lived in a new age of their making, distinct from and superior to the postclassical barbarism – the *medium aevum* – which had immediately preceded it. But their resurrection of antiquity and disparagement of its intervening aftermath did not mean that that aftermath should remain forever consigned to the obscurity in which its degenerate ignorance had shrouded it.

One of the consequences of the application of humanist philological techniques to the analysis of Roman and canon law texts – the novel mode of jurisprudence which in the sixteenth century came to be termed *mos docendi Gallicus* – was a demonstration that the Roman/canon *ius commune* was not a single, timeless, universal *ratio scripta*, but rather a concatenation of fragments produced in widely differing historical contexts over a very long period. A side-effect of this realisation was an increased focus on indigenous, local law, which meant the application of the techniques of the *mos docendi Gallicus* to medieval legal texts and other records. As the label suggests, jurists in French universities rapidly came to constitute the vanguard in this humanist school. In terms of indigenous law, their primary focus was initially on French regional customs. The most influential scholar at this stage in the development of the school, in the first half of the sixteenth century, was Charles du Moulin (Kelley 1970: 163–204). But the further back these scholars delved in chronological terms, the fewer records of a recognisably legal form could be described. In the absence of such evidence, it was necessary to draw legal inferences from other types of source, most obviously and accessibly medieval chronicles. By this stage, the most influential French jurist was François Hotman (1524–1590), a pupil of du Moulin and, like his teacher, a Huguenot (Kelley 1970: 204–11; Kelley 1973: 29–33, 64–70, 72–5). His most influential publication on the subject, the summation of all his previous work on it, was his *Francogallia*, which purported to reconstruct the original constitution, or public law, of the French kingdom (Hotman 1972).¹ It was the first attempt to write a history of early medieval Francia according to the new

philological method. It is therefore conventionally deemed to epitomise that shift to a distinctively modern method of historical source criticism, in a study which sought to reconstruct the medieval foundations of the French kingdom primarily from medieval historiographical sources of an obviously very different historiographical character. On this interpretation, *Francogallia* might be taken as evidence that by the second half of the sixteenth century the medieval period which constituted the book's subject matter was definitively over.

The argument which follows will suggest that this conventional view is to a large extent illusory, indeed that intellectual traditions which Hotman himself categorised (and often disparaged) as medieval determined his approach to the history of early medieval Francia, for all his humanist posturing and credentials.

First printed in 1573, *Francogallia* was the most quickly published as well as the most intellectually coherent of the substantial Huguenot responses to the St Bartholomew's Day Massacre of August 1572. But its intellectual coherence is of a quite different type to what might be expected from one of the greatest humanist jurists – or practitioners of the *mos docendi Gallicus*. Indeed, I shall argue that the principal (but unacknowledged) source of that coherence was one conventionally reviled by humanists, including Hotman himself. Although the explanation for the coherence might be surprising – almost paradoxical – the fact that the book was ostensibly a scholarly work may explain why it was the only substantial intellectual response to the massacre to be published, quite brazenly, over its author's true name. Hotman, the leading French Roman lawyer of his generation, affected from the very start to believe that his work was an exercise in antiquarian scholarship.² Prudence did not therefore require him to conceal his identity, unlike the cautious monarchomach authors of the *De iure magistratuum* and *Vindiciae, contra tyrannos*, and indeed unlike himself, when he published his account of the massacres under the pseudonym Ernestus Varamundus (Hotman 1573a).

My first claim, about the speed of publication, is easily established and revealingly explained. *Francogallia*'s preface is dated three days prior to the massacre's first anniversary (Hotman 1972: 144), which dates its completion simultaneously with that of Beza's *De iure magistratuum* (de Bèze 1971: 76, 79–81) and shortly before the putative date of the conversations which purport to have been written up in the *Vindiciae, contra tyrannos* in 1577 ('Brutus' 1994: lxxviii, 9 n. 10), and eventually published in 1579. Hotman and Beza corresponded about their respective books during the final stages of writing,³ but Beza's thinner work took much longer to be published, because, unlike *Francogallia*, its overtness alarmed the Genevan censors: permission to publish was denied on 10 August 1573 (de Bèze 1971: 76; Giesey 1967: 582, 584–5; Hotman 1972: 50). It appeared first in French translation in 1574, and only two years later in its original Latin (de Bèze 1971: xxvii–xxxi, xxxiv; Beza 1965: 11, 21).

One reason why Hotman was quicker to get into print was that an apparently considerable but indeterminable part of *Francogallia* had demonstrably been drafted by 1567–8 (Hotman 1972: 38–9, cf. 218, 446, 480). Indeed, given the disrupted nature of Hotman's life during the late 1560s, and the loss of his library either in the late summer of 1567 (on fleeing Bourges for Orléans)⁴ or in August 1568 (on fleeing Orléans for Sancerre) (Hotman 1972: 31), or conceivably both,⁵ the highly detailed research on which the book is manifestly based is likely to have been completed sooner rather than later during this period. From August 1568 he spent over two years in Sancerre; but academic work would have been well-nigh impossible in the city because for much

of the time it was under siege. Hotman later recalled that while there he had access to only two books, a Bible and Augustine's *De civitate dei* (Hotman 1593: *praef.*). Neither would have been of any use in writing *Francogallia*. In November 1570 he moved briefly to the Huguenot stronghold of La Charité, but by June 1571 had been reinstated in his chair at Bourges (Giesey 1967: 591 n. 1; Hotman 1972: 31). Most books and manuscripts which he might have managed to reassemble must again have been lost as he fled Bourges for a second time in August 1572, on the outbreak of the massacres, to take refuge in Geneva (Giesey 1967: 591 n. 1, 593 n. 3, 594 n. 1).⁶ In the absence of surviving manuscript evidence, and in view of the *Francogallia*'s elaborate and detailed attention to the vast number of sources on which it is based – many of which are quoted at length – the likelihood is that the existing draft (which is never identified by Hotman as one of the manuscripts lost during his *peripeteiae*) was not greatly elaborated or altered in the year between the massacre and publication.⁷ He did not bother to correct the internal dates which suggest that he had written much of it in 1567–8. This was not simply a hasty editorial oversight. He ensured that the clues were preserved even as he rephrased them slightly in the (substantially revised) second edition of 1576, a rephrasing which he preserved unaltered in the third edition of 1586.⁸ Despite the claim made in the preface to the first edition that he had been studying 'all the old Gallic and German historians for several months past', and the marginal elaboration in the 1586 edition which appeared to suggest that this meant 1572 and 1573,⁹ he continued to want alert readers to realise that the book had to all intents and purposes been drafted many years prior to the massacre.

My second claim, about the intellectual coherence of *Francogallia*, requires a great deal more exploration and justification.

In 1567, when Hotman appears to have been already well advanced with *Franco-gallia*, he also wrote his *Antitribonian*. This much slighter work would not be first printed until 1603, but its title page dates it to 1567, and claims that it was written at the suggestion of Michel de l'Hôpital, the reforming chancellor of France (Hotman 1603). Whereas *Francogallia*, even in its published post-St Bartholomew's Day form, affected a high-minded scholarly detachment which got it past the twitchy Genevan censors, *Antitribonian* is overtly polemical. Until its posthumous first printing, it circulated only in manuscript, of necessity to a very restricted audience.

As its title suggests, it was an attack on Tribonian, the chairman of the commission of jurists which had, at the instigation of the Emperor Justinian, completed the codification of Roman law in the *Corpus iuris civilis* in 529. It argued not that the compilation of a written code of the laws of Rome, or indeed of any state, was a pointless project, but that Tribonian had bungled the job. As one might expect in view of Michel de l'Hôpital's recorded role in its genesis, the book concluded by advocating just such a project for French law (Hotman 1603: 150–9).¹⁰ And while Roman public law was deemed quite irrelevant to French public law (Hotman 1603: 21), because public law was by definition specific to a particular state (Hotman 1603: 6–7, 10, 21), and Roman law's recent influence in France was denounced as wholly pernicious (Hotman 1603: 136–50), Hotman accepted that private law often comprised universal principles of equity, common to all mankind – what Romanists termed the *ius gentium* (Hotman 1603: 9, 22–32; Fournol 1897: 319–20; Giesey 1967: 600–04). This was the (unspoken) premise on which was based his *Quaestio-num illustrium liber* (Hotman 1573d), an examination of thirty-five legal problems

celebrated for their intractability, which he first published in the same year as *Francogallia*. In it, he invoked Roman law, classical texts, and historical writing on a pan-European scale. The assumption also underpinned *Antitribonian*. Even Justinian's early sixth-century *Corpus*, the vast majority of which consisted of private law, might prove serviceable in the late sixteenth-century compilation of a written code of French law. Indeed, Hotman urged de l'Hôpital's putative commissioners to turn first and foremost to 'the books of Justinian'; from this 'inestimable treasure' they should select 'the most beautiful and the best' (Hotman 1603: 153). This process of borrowing or adaptation would influence not only the compilation of French private law, but also in certain respects French public law. One instance was the fief, a key institution of French law, which bridged the Roman distinction between public and private (Hotman 1603: 36–7).

Hotman says very little about fiefs or feudal law in *Antitribonian*, probably because the majority of it is concerned with Roman law. However, he would address the subject in far more detail in his massive three-part compilation on the subject, *De feudis*. This he had completed by June 1572, but its publication was delayed until March 1573 for the reasons given in his second, brief prefatory epistle: although Hotman had sent the manuscript to the printer in the summer of 1572, it had subsequently 'eluded the hands of many wanton thieves', and had eventually been recovered, only 'by some extraordinary miracle' (Hotman 1573b: A6r).¹¹ In geographical terms this book ranges more widely than France, although necessarily making much use of evidence from the kingdom to which he repeatedly refers as Francogallia (Giesey 1967: 588–9 and n. 1). One reference to Francogallia, however – invoking a previous discussion by him of how Germans had at one time been called Franks – is unambiguously to his book of that title, rather than to the kingdom (Hotman 1573b: 212; Giesey 1967: 589). This is further confirmation that *Francogallia* the book already existed in some form when he completed *De feudis*. But by Hotman's own account he had by then been working on feudal law for a very long time, even longer than on *Francogallia*: the preface to the first part of *De feudis*, the *Disputatio*, opens with a reminiscence of the lectures he had delivered on the subject twelve years previously – in other words, if the *Disputatio* may be dated to 1572, in 1560, when he was lecturing at the university of Strasbourg (Hotman 1573b: 1; Hotman 1972: 45–7, cf. 31, 42 n. 1).¹² *De feudis* should, then, be treated as a product of the same pre-St Bartholomew phase of Hotman's scholarly activity as *Antitribonian* and *Francogallia*, and as in some respects both preparatory and complementary to them.

In the initial prefatory letter, to Caspar Seydlitz, Hotman set out his justification for the book:

since all parts of the civil law [*ius*] pertain to the utility and commodity of the *summa Reipublicae*, I judge that no place amongst them is more elevated than this treatment of fiefs. For while other parts are mostly devoted to describing the law [*ius*] of private men, this part is almost entirely concerned with kingdoms, empires, and powers, which our Feudists call Duchies, Counties, Marches, and Baronies. Because the true cognition of these things properly pertains to the *summa Reipublicae*, you will easily perceive . . . that this part of the law [*ius*] should be established more accurately and committed to writing.

(Hotman 1573b: A4r)

By contrast with private law, of which in ‘our Francogallia’ there was a chaotic plethora of regional varieties (Hotman 1573b: A3v), the subject which feudal lawyers treated within the compass of a territorial lordship was that which might also be treated within the ambit of any single state; whatever the name attributed to the entity in question, that subject was the exercise of magistracy. So within states where feudal law prevailed – such as ‘our Francogallia’ – that law was, as Hotman reiterated, peculiarly pertinent to the *summa Reipublicae*, and therefore to public law. For although Hotman does not say so here, the opening title of the *Digest* in the *Corpus iuris civilis* reproduced Ulpian’s identification of ‘magistrates’ as one of the three constituent elements of *ius publicum* – the law which addressed the *status rei Romanae* (Dig. I. I. I, 2).¹³ The most authoritative definition of Roman public law was thus implicit in Hotman’s assessment of what he deems the most important aspect of feudal law, that is, its public or magisterial aspect, wherever feudal law was intrinsic to public institutions – most pertinently in Francogallia.

As Hotman knew well, there was in any case no clear or straightforward distinction between Roman law and feudal law. On the contrary, in the early thirteenth century a recent compilation of Lombard feudal customs had been appended as a tenth collation to the *Novellae* of the *Corpus iuris civilis*. Known as the *Libri feudorum* (Lehmann 1896), this compilation soon came to be treated by civilians as an integral part of Roman law. As Hotman observes at the beginning of his *Disputatio*, the *Libri* had been the subject of many learned commentaries (Hotman 1573b: 1; Ryan 2010b: 143–57). In that sense this epitome of feudal customs had been incorporated into civilian jurisprudence, and thereby rendered uniquely authoritative; but its terminology and structure nevertheless made it in many respects very difficult to reconcile with basic Roman juristic categories. As well as largely incompatible with those categories, the text of the *Libri* was offensively ‘barbaric’ (Hotman 1573b: 1). Hotman wrote his own commentary on the *Libri* as the second part of *De feudis*, having prefaced the first part with a denunciation of them for ‘ambiguity, discordance, and absurdity’. Whatever the *Libri*’s faults, he acknowledged that they were, as a result of their role in civilian jurisprudence, the unavoidable basis for the ‘reformation’ of feudal law which Hotman proposed in the preface to the *Disputatio* (Hotman 1573b: 2). They were also, professedly, North Italian, not Francogallican, in origin, so *De feudis* was of necessity and explicitly a work of comparative jurisprudence in a way that neither *Antitribonian* nor *Francogallia* was. As we have seen, in the first dedicatory epistle, to Seydlitz (Hotman 1573b: A3v), Hotman lamented the shambles of French private law evidenced by the plethora of regional *coutumiers*. If there were to be any hope of codifying it along the lines proposed in the conclusion to *Antitribonian*, then the ‘Augean stables’ of French feudal law would have to be cleansed by this self-appointed Hercules (Hotman 1573b: 1, quoting Hotman 1561: 19).¹⁴ This was the task he set himself in *De feudis*. Precisely because feudal institutions were common throughout western Europe, *ius gentium* was intrinsic to the project from its first conception; and however incompatible the *Libri feudorum* might be with the *Corpus iuris civilis* at the end of which they had come to nestle, the jurisprudence attached to them by that long-standing association was bound to import some manifestations of Roman law into the process of French codification which Hotman envisaged. Moreover, the fief’s ambivalence with respect to the Roman distinction between public and private, and more specifically the fact

that lords of fiefs manifestly exercised magisterial powers, meant that such influence could not be restricted to private law. The ‘Feudists’ might discuss magistracy only in the context of territorial lordships other than states, but it was nevertheless magistracy – and therefore, in Roman terms, a matter of public law.

The obvious implication would appear to be that when Hotman turned to address the public law of the kingdom of Francogallia, feudal law would be fundamental, *a fortiori* given the repeated references to Francogallia in *De feudis*. At one point in the 1576 edition of *Francogallia* he does cite the *Libri* in support of the contention that in certain circumstances the peers of France exercise ‘civil and criminal jurisdiction’, a specific example of the general point he had made in the prefatory letter to *De feudis* addressed to Seydlitz (Hotman 1972: 378).¹⁵ In the 1586 edition of *Francogallia* he cites the *Libri* to establish that fiefs could not descend in the female line (Hotman 1972: 470);¹⁶ and also two passages in Baldus de Ubaldis’s late fourteenth-century commentary on them, allegedly to the effect that a first-born son could not be disinherited. Hotman seeks to give the impression that the views which Baldus expressed in these passages should be numbered amongst those of the ‘doctors’ who ‘unanimously affirm that the king of the Franks cannot deprive the first-born son of primogenitary right, without hope of [succession to] the kingdom’ (Hotman 1972: 464).¹⁷ As Hotman was well aware, the second of Baldus’s passages went on to include an aside which had become a *locus classicus* in feudal law with respect to French royal succession.¹⁸ Baldus observed that because ‘the fief is paternal’, in the absence of direct descendants agnates should succeed, as had happened in the French kingdom: ‘even [though] he may be of the thousandth degree, yet by right of blood and perpetual custom he would [succeed] in the kingdom of the Franks’ (Baldus de Ubaldis 1524: fo. xxiii^v). But when, in the 1586 edition of *Francogallia*, Hotman cited Baldus’s commentary on this section of the *Libri*, this digression was not the particular passage which he had in mind. As he underlined, in the case of the French kingdom he was instead ‘chiefly’ influenced by a section in the first *Tractatus* on French royal succession by the fifteenth-century French jurist Jean de Terre Rouge, or Terremerveille. This, along with de Terre Rouge’s second *Tractatus*, Hotman had printed as an appendix to his *Disputatio de controversia successionis regiae* in the previous year. The first *Tractatus* did not even allude to the *Libri*, which were very rarely cited elsewhere in de Terre Rouge’s *Tractatus*, and played no covert part in his argument (de Terre Rouge 2008–2011: I, i, 8–9).¹⁹ Nor did they in Hotman’s, even at this point, when he had been forced by events to reconfigure his analysis of French royal succession for the third edition – a subject to which I shall return.²⁰

Other than in these very few 1586 revisions to his previous text (Hotman 1972: 376–8), there are no direct citations of the *Libri* in *Francogallia*. The few further references made to feudal law concern – another 1586 addition – details of the king’s rights in the royal demesne (Hotman 1972: 256; Andreas of Isernia 1598: 767–8 on *Lib. Feud.* 2. 56, cf. Hotman 1573b: 544–50), the inapplicability to royal succession of the law of succession to fiefs (Hotman 1972: 260),²¹ and (apparently contradicting the previous point, and presaging the addition made in the 1586 edition with reference to the *Libri*) the advisability of applying to the kingdom the bar on female succession to fiefs (Hotman 1972: 274, citing Hotman 1573b: 18). This last is the only occasion on which he explicitly refers to his own *De feudis*. But important as the question of royal succession became, especially in the radical alterations made to

the 1586 edition, Hotman was emphatic from the start that succession to the Francogallican kingdom was 'not hereditary', and that therefore the law of succession to (hereditary) fiefs could not apply to it (Hotman 1972: 220, 232, 260),²² despite the one feudal analogy which he drew twice. Indeed he makes the point explicitly: 'the kingdom of Francogallia was anciently accustomed to be transferred by the judgement and votes of the people, not, like a private patrimony, by hereditary right' (Hotman 1972: 246). Far from being fundamental to Francogallican public law, then, feudal law turns out to play remarkably little part in *Francogallia*, and the *Libri feudorum* a still smaller one.

Hotman never addresses this curious disjuncture between *Antitribonian* and *De feudis* on the one hand, and *Francogallia* on the other. One explanation for it is his concern to deny Francogallican kings any hereditary right of succession of the sort ordained for feudal vassals in the *Libri*. For reasons which will become very clear when I consider his discussion of Hugh Capet, he wanted the public council's originally uncircumscribed right of election to be retained, or rather reinstituted. In Hotman's analysis, the public council was the central institution in the kingdom's public law, and it would be very difficult to integrate the public council – at least the public council as conceived in *Francogallia* – into a feudal analysis.²³ He certainly made no move to categorise it as a quasi-feudal lord. Buried away in the *Disputatio* of *De feudis* is a discussion of whether kings selected by *duces* or, alternatively, by the people, were the 'clients' of those who had selected them. He gives an example of the latter type, but it is not a Francogallican one. The chronicler Aimoinus recorded that the Lombards established Flavius, son of *princeps* Antharius, as king 'by common council'.²⁴ Kings of Flavius's kind are 'clients' of the people, but it is perhaps significant that Hotman chose to use this ancient Roman term, rather than 'vassal', with its stronger feudal connotations. In the dictionary at the end of *De feudis*, he points out that the use of the term as an equivalent to 'vassal', or 'knight [*miles*]', or 'feudatory', is strictly speaking incorrect, precisely because it is an antique term, while nevertheless conceding that in one of its ancient uses – to denote provincials who were granted part of their lands by the Roman state – there was a resemblance to the vassal (Hotman 1573b: 645–6). Whatever the reason for his choice of word here, in *Francogallia* he never described the king as either the client or the vassal of the public council, which he explicitly and repeatedly equated with the people (Hotman 1972: 230, 286).²⁵ Originally, the Francogallican king held his position far more precariously than if it had been a fief and he a vassal. And originally, the same had been true of the (other) 'Magistracies and dignities of the kingdom, called Duchies and Counties, which were accustomed to be conferred in the assemblies of the people on certain selected men, who held as if merely in place of a benefice [*ut in beneficii tantum loco*] and (as Jurisconsults say) precariously'. Here he was paraphrasing – and went on to quote – the humanist jurist François Connan, who had argued that at one time these terms had signified administrative functions, not patrimonies, and that they could be revoked by the *princeps* at will (Hotman 1972: 410–12, cf. 332, 336–8).²⁶ In *Francogallia*, as in *Antitribonian*, Hotman was ready to acknowledge that there were numerous detectable manifestations of the *ius gentium* common to the public laws of many different states, including ancient Rome and medieval and modern France.²⁷ But in medieval and modern France that common element had little to do with feudal law in the Romanist guise of the *Libri*

feudorum, or even with feudal law in the more general sense of what, in the absence of extant formal legal collections, had of necessity to be reconstructed from chronicles and histories: 'I have . . . fixed my attention on what is revealed by all the old Gallic and German historians of our Francogallia, and from their writings I have compiled a summary [*summa*] of its constitution [*status*]' (Hotman 1972: 142; in Hotman 1603: 136–7, 138–41, 155–6, he had made fitful use of these sources). Relentless as he was in piling up chronicle evidence, it served to illustrate and corroborate an analysis of the French constitution the source of which lay elsewhere. If not feudal law, what was it?

Despite Hotman's reputation as a great humanist jurist, his position was more complex than that of a straightforward legal humanist – at least as he caricatured them in *Antitribonian*. He did not view the past, either the French or in certain respects even the Roman past, as of purely antiquarian interest, and irrelevant to current French concerns: 'it is astonishing to comprehend how great was the wisdom of our ancestors in constituting our commonwealth, and there does not seem to me to be the slightest doubt that the most certain remedy for our so great current ills should be sought in it' (Hotman 1972: 142). Although he applied humanist techniques to the study of French legal history, he did not do so for what he presented as conventionally humanist ends. He revelled in vitriol: in *Antitribonian* he called a plague down on the houses of both the *mos docendi Italicus*, the traditional, medieval scholastic post-glossatorial school of Roman jurisprudence, epitomised by the great fourteenth-century jurist Bartolus of Sassoferrato, and the new *mos docendi Gallicus*: 'In our universities nowadays are two kinds and as it were parties of jurist: one is called pettifoggers, Bartolists and barbarians; the other humanists, purifiers, and grammarians' (Hotman 1603: 120, cf. 123–5).²⁸ Like many of the prescriptions for a solution to France's current ills penned contemporaneously with *Antitribonian* (Hotman 1972: 39–40), he advocated, amongst other things, an excavation of neglected ancient French custom as one aspect of his proposed solution. And emphasis on custom could eliminate the danger, intrinsic to humanist analyses, that past would become divorced from present, the danger of depriving history of contemporary relevance.

In *Francogallia*, Hotman attempted to establish Francogallican public law historically. In the opening chapters he sought to show that long before the Roman conquest of Gaul there had been a general public assembly or council for all the Gallic regions (Hotman 1972: 148).²⁹ This was the case whether individual Gallic tribes happened to have been governed by kings or by councils. The kingdoms had not been hereditary: the kings were elected, and they were bound by the laws. The Roman conquest had reduced the once free Gauls to servitude, manifest in the Roman abolition of native, Gallic law, and the imposition of Roman governors who governed in accordance with Roman law (Hotman 1972: 178, cf. 172–6). Centuries later, as the Roman Empire in the west collapsed, the enslaved Gallic victims of Roman tyranny encouraged incursions into Gaul by Frankish tribes in the hope that this might lead to their emancipation (Hotman 1972: 216, cf. 178–80, 208). Hotman linked the Franks with the Canninefates, the Germanic tribe whose customs had been described by Tacitus (Hotman 1972: 202). In the absence of indigenous accounts, he had no qualms about drawing on Roman ones – Caesar's *De bello Gallico* (of which he published an edition with a commentary just after *Francogallia*:

Caesar 1574) even more frequently than Tacitus – to reconstruct the ancient history of the Gauls and Franks. He quoted Tacitus's (very brief) description in the *Historiae* of the Canninefates' custom (*consuetudo*) of electing a *dux* by raising him on a shield, and emphasised that it would 'be of no small moment in our argument' (Hotman 1972: 196, 224, 232).³⁰ We shall see that this is an understatement. Tacitus's account, which Hotman characterised as describing the creation of a *rex* rather than Tacitus's *dux* (Hotman 1972: 196),³¹ turns out to foreshadow the ritual core of Hotman's analysis of the constitution of the Francogallican kingdom.

The Franks, whom Hotman identified with the Canninefates by sleight of hand (Hotman 1972: 202),³² are said to have always had kings, even when they proclaimed themselves to be the protectors and defenders of liberty. Tacitus himself had termed them 'LIBERTATIS AUCTORES' (Hotman 1972: 202 [quoting Tacitus, *Hist.* iv, 17], 208). There was no necessary contradiction between a monarchical constitution and the liberty of citizens (Hotman 1972: 204). Indeed, Frankish kings prior to their conquest of Gaul are said to have been constituted as tutors of the people's liberty (Hotman 1972: 204, cf. 342 [1576 edn.]: 'libertatis custodes'), as would be the case later in the commonwealth of Francogallia, which was 'founded and established on liberty' (Hotman 1972: 446). Childeric, son of Merovech king of the Franks, was created first king of Francogallia by the Gauls and Franks, newly 'twinned and merged' into a single 'nation' (*gens*), or into a single 'state' (*civitas*), with 'the minds of all conjoined together' (Hotman 1972: 214–16, cf. 284 [1576 edn.]). They created Childeric king by raising him on a shield in a public assembly or council, in exactly the manner described by Tacitus. Kings were chosen 'by the consent of all, and the conjoined advice of all, as if a single mind conflated out of many' (Hotman 1972: 298, cf. 214).³³

Those who know anything about corporation theory as developed by the medieval civilians will immediately recognise that Hotman conceives of the newly conjoined people of the Francogallican kingdom as a corporation, a single abstract undying person by fiction of law, defined as a single juristic person by its single mind. 'The kingdom is that very corporation of citizens and subjects' (Hotman 1972: 398).³⁴ As such, it is, by contrast with a king, 'perpetual and known (or foretold) to be immortal: the Jurisconsults speak thus of colleges and corporations' (Hotman 1972: 400). In other words, Hotman's definition of the Francogallican people, just like his definition of the earlier Frankish kings as tutors of the people's liberty, is borrowed straight from the analyses of the Roman private law institutions of corporation and tutorship as developed not by Roman lawyers in antiquity, but by their late medieval successors. And this is true in his first edition; it is not a subsequent Romanist elaboration or revision, like the detailed points of feudal law, most of which were inserted into the third edition of 1586.

Thus Roman law doctrine as developed by the late medieval scholastics is not excluded from Hotman's original Francogallican constitution. Indeed, it is integral to that constitution. The first Francogallican kings are said to have thrown off Roman tyranny, and to have restored the liberty which the Gauls had enjoyed prior to the Roman conquest, but on behalf of the newly conjoined Francogallican people. Childeric finally succeeded in 'vindicating Gaul from servitude of the Romans into liberty' (Hotman 1972: 214).³⁵ The Franks 'proclaimed themselves the protectors and vindicators of liberty' (Hotman 1972: 204). Hotman seems to relish reiterating the phrase. As he was well aware, *vindicatio in libertatem* is the technical Roman

law term for an action, in the form of a (fictitious) claim of liberty, which emancipated a slave (Buckland 1975: 73–4).

Kings were elected on specified conditions (Hotman 1972: 224) or ‘certain laws, and were not constituted as tyrants with unbridled, free, and unlimited command’ (Hotman 1972: 236, cf. 154, on kings in pre-Roman Gaul). But prior to the third edition, he devotes remarkably little attention to exploring what these conditions or laws were. Then he devoted an entirely new chapter to the subject (Hotman 1972: 458–76). Unlike Beza in *De iure magistratuum*, (de Bèze 1971: 40, 42; Beza 1965: 62, 65) or the authors of *Le Reveille-Matin* (Eudelphe Philadelphie Cosmopolite 1574: ii. 89) and the *Vindiciae* (‘Brutus’ 1994: 25 [n. 85], 84, 122, 134–5), Hotman said nothing about the coronation oaths taken by French kings. Indeed, the only instances of such oaths mentioned in *Francogallia* are those allegedly taken by the Aragonese and (an addition to the 1586 edition) Spartan kings (Hotman 1972: 306–08, 312) – manifestations of the *ius gentium* which do not appear, from Hotman’s account, to have had any close parallel in the extant records of the public law of Francogallia. In Hotman’s Francogallican kingdom, it seems, the conditions of election were already specified in ‘certain laws’, and there was no need for a newly elected king explicitly to bind himself to them by oath. This is curious, because Hotman could easily have adduced plenty of evidence of French medieval coronation oaths, had he wanted to do so. The other monarchomachs did, and we know that Hotman was in close touch with Beza when preparing *Francogallia* for the printer. Perhaps he considered such oaths too susceptible to a feudal construction. Their absence from his account made no difference to the fact that the king could be deposed by the people, represented in the public council, if he broke the (unelaborated) terms on which he had been elected. This had happened to Childeric, the very first king of Francogallia (Hotman 1972: 234–6). Not only could individual kings be deposed by the public council, it was in no sense obliged to elect the sons of kings. So changes in dynasty, from the Merovingians to the Carolingians (Hotman 1972: 362–6, cf. 230, 238, 354), and from the Carolingians to the Capetians (Hotman 1972: 406–08), were all grist to Hotman’s mill. In the preface to the book, he implied that Louis XI’s reign, in the late fifteenth century, was the point at which this ancestral constitution had been undermined; and he devotes a whole chapter to analysis of the process (Hotman 1972: 142, 440–50 [esp. 446], 498 [1576 edn]; cf. 38–9). Elsewhere, however, he makes it clear that the rot had set in many centuries before – specifically with the end of the Carolingian dynasty and the accession of Hugh Capet in 987. Here he again drew on François Connan, adopting Connan’s argument that at Hugh’s accession he had bought support by making ‘perpetual’ the ‘dignities’ of the nobility which had previously been ‘temporary’ (Hotman 1972: 410). In Hotman’s words, the ‘nobles’ henceforth ‘retained them by patrimonial right, and transferred them to their children and descendants along with the rest of the inheritance’.³⁶ Previously, in Hotman’s (but not Connan’s)³⁷ view, they had been held of the public council, precariously. Now the nobles began to hold of the king, hereditarily – or feudally. He added, archly, that he found it difficult to believe that such a diminution in the powers of the council had been effected without the council’s consent, but then fails to adduce any evidence for it (Hotman 1972: 412). Indeed, elsewhere he quotes the early twelfth-century chronicler Sigebert of Gembloux to the effect that Hugh had ‘usurped the kingdom of the Franks’ in defiance of the council (Hotman 1972:

230).³⁸ Nor does he ever describe Hugh Capet's election as king, the ceremony which in his view instituted kings, like other holders of magistracies, as precarious holders of offices conferred by the public council. In the 1576 edition he went so far as to say that Hugh had 'occupied' the kingdom (Hotman 1972: 376, cf. 408 [1573 edn.]). So the same had become true of royal office, from Hugh Capet on. That, too, had been transformed into something hereditary,³⁹ thereby compromising the powers of the public council. Hotman's implicit meaning is clear. The customary constitution of Francogallia had been comprehensively subverted in 987, almost half a millennium before Louis XI.

But if history was prescriptive, if Francogallican public law was simply past practice, then how could the historical developments of the most recent six centuries simply be discounted? Why should not laws change, or even become obsolete? In *Antitribonian*, one of Hotman's principal charges against Tribonian was that he had bungled his task by failing to recognise that Roman law had changed drastically over the centuries, with the ejection of the Tarquin kings, and the instituting of the Principate (Hotman 1603: 13–22). Yet in *Francogallia* Hotman seemed to be committing the errors of a French Tribonian. For Hotman it seems that only early custom was prescriptive. How could this be?

Francogallia achieved notoriety as soon as it was published. It was translated into French within a year. Its arguments were quickly popularised in less forbidding guises, in the vernacular.⁴⁰ It was repeatedly attacked in print (Matharel 1575; Masson 1575; Hotman 1972: 76–81). Hotman responded in kind. He asserted that his book was 'the history of a fact' (Hotman to Jacob Cappel, 2 March 1575: F. and J. Hotman 1700: 49), and that its findings were therefore indisputable. Yet facts for Hotman, the distinguished civilian, meant more than the phrase might imply to us. He asserted, in conventional terms, that 'ius [or lex] ex facto oritur' (Hotman 1575b: 30; Zasius 1550: i, col. 17, *ad Dig.* 1. 2. 2; cf. 9. 2. 52, 2). As he was well aware, the greatest analyst of the *de facto* origin of law was the early fourteenth-century Bartolus of Sassoferrato, the most famous of all the scholastic commentators on the Roman law, who, as we have already seen, Hotman affected to despise (while nevertheless explicitly invoking his authority in the second edition of *Francogallia*) (Hotman 1972: 500–02).

One of Bartolus's most striking achievements was, with great ingenuity, to establish how customary law should take precedence over written law – this despite the exiguous nature of the passages on customary law in the *Corpus iuris civilis* (*Dig.* 1. 3. 32; *Cod.* 8. 52. 2). He built upon centuries of civilian attempts to make sense of these awkward and apparently contradictory passages about customary law (Ryan 2015: 429–32), but created something unprecedentedly systematic. According to Bartolus, usage was the remote cause of customary law, but its immediate cause – what transformed usage into law – was the tacit consent of the people, defined as a corporation (Bartolus of Sassoferrato 1523a: *Repetitio ad Dig.* 1. 3. 32, no. 7; Bartolus 1523b: *ad Cod.* 8. 52. 2, no. 10, both cited by Ullmann 1980: 269).⁴¹ That popular consent might sooner or later be made explicit in a statute, but it was nevertheless already valid law before it was written down and sanctioned in a statute. It was popular consent that made law (Ullmann 1980: 270–1). Customary law which was contrary to statute law abrogated that statute by creating new law in its place by continuous practice, but only if the new customary law were not contrary to divine

or natural law, to the liberty of the church or to the public welfare (Bartolus of Sassoferrato 1523a: *Repetitio ad Dig.* 1. 3. 32, nos. 2, 4; Ullmann 1980: 280). To identify the conditions for the validity of consent, Bartolus elaborated an analogy which had been drawn by medieval civilians since the time of Azo, at the end of the twelfth century (Azo 1966: 325, *ad Dig.* 8. 52. 2).⁴² They compared custom with another institution in Roman law of which consent was the essential feature, and which, unlike custom, was analysed in great detail in the *Corpus iuris civilis*: contract. Thus Bartolus: 'Consuetudo aequiparatur pacto: ratio, quia utrumque procedit ex consensu [Custom is legally equivalent to contract: the reason is because both of them proceed from consent]' (Bartolus of Sassoferrato 1523b: *ad Cod.* 8. 52. 2, no. 2). He was able to use the Roman law of contract in order to analyse those principles relating to the requisites of the will of the people, manifest in its tacit consent, which constituted customary law (Ullmann 1980: 270).

Now consider Hotman's discussion of the Salic law, according to which women were supposedly barred from any hereditary claim to the French kingdom. Hotman argued that it was irrelevant to royal succession because it concerned private law and not public law, and because it was a custom of the Salian Franks rather than of the Franks who had invaded Gaul (Hotman 1972: 268, 270–2, cf. 68; Giesey 1961: 17–22). Nevertheless he argued that women were ineligible for succession to the throne, despite the inapplicability of the Salic law, because 'the practices and customs of the nation conserved by the consent of so many ages have acquired the force of written law, and especially because they have been confirmed by formal judgement of a court after individuals had contested them' (Hotman 1972: 274). Here are all the Bartolist ingredients of customary law: lasting consent on the part of the people which has acquired the force of written law. The supplementary comment about the customs which have acquired the force of written law being confirmed in court against contestation is added by Hotman to the second edition of 1576. Like many of the additions in the second and third editions, it simply brings out more clearly the Romanist foundations of the argument advanced in the first edition. For it underlines that the people as a corporation had consented even if some of its individual members had objected; that the dissenters were bound by the judgements of the people's courts. As Hotman had written earlier, the people as corporation was defined by its single mind, as an abstract, juristic person. He had also in the first edition quoted a tag from the provisions on co-tutorship in Justinian's *Code* which the medieval jurists had rendered very familiar by applying it to corporations: 'What touches all should be approved by all.' But he does not identify his source, characterising it as a 'common adage', until he eventually came clean in his third edition (Hotman 1972: 296, quoting *Cod.* 5. 59. 5, 2).⁴³ Elsewhere in the third edition he would emphasise that the seat of majesty lay in the public council 'and this bore the unvaried consent of many ages' (Hotman 1972: 390, cf. 428, also in the 1586 edn.). Any long-standing practice contrary to the people's welfare could not for that reason have constituted customary law, as Bartolus had explained. Long-standing practices under the Capetians and Valois were thus illegitimate.

Hotman does not say so explicitly, but it was the postglossatorial *aequiparatio* between custom and contract, both proceeding from consent, which seems to have provided him with the juristic core of his constitutional theory. He describes Franco-gallican royal election as originally embodying the consent of the newly conjoined

Francogallican people in a ritual which had long been customary amongst the Franks – the ritual which had first been recorded by Tacitus. As we have seen, he paraphrases Tacitus's account as describing a *consuetudo*, though Tacitus had not used the word.⁴⁴ In Hotman's view, this customary ritual implicitly embodied a contract. It did not, however, fit neatly into any standard contractual template derived from Roman law, as would shortly be the case in the *Vindiciae* ('Brutus' 1994: lxxxii, 129–31, 133–4, 138, adapting *stipulatio*), or into a quasi-feudal template of the sort posited at one point by Beza in a discussion of forfeiture by a monarch in the position of a vassal, holding of the *souveraineté* or *suprema potestas* (de Bèze 1971 51–2; Beza 1965: 74, cf. 'Brutus' 1994: 82, 132, 156, and above, p. 795). Indeed, so implicit was it that Hotman seems to have considered that its terms were somehow intrinsic in the ritual act of royal election itself. As we have seen, they were better expressed in the works of Aristotle, Polybius, and Cicero on the subject of mixed constitutions (Hotman 1972: 154, 292),⁴⁵ or with respect to kings in the mythical oath of the Aragonese (Hotman 1972: 306–08), than in any evidence which Hotman was willing to adduce from Francogallican chronicles.

To the 1586 edition, however, he added an entirely new chapter concerning 'certain laws' which 'circumscribed' the Francogallican king (Hotman 1972: 458–76).⁴⁶ This, it might be thought, was an attempt on third thoughts belatedly to supply the precise restraints on the king which hitherto, and unlike the other monarchomachs, he had failed to spell out. But in detailing these newly described laws, he did not, as the other monarchomachs had done, connect them with the ritual of royal accession, although several of them bore on the newly topical question of royal succession. Indeed, this seems to have been the principal reason why he suddenly felt compelled to analyse these laws in detail at this point, thirteen years after his book's first publication. Following the death in 1584 of the last Valois heir to the throne, François, duc d'Anjou, Hotman wanted to forestall any attempt to exclude the Huguenot Henri de Navarre, prince de Bourbon – an agnate twenty-one degrees removed from Henri III – from any claim to succeed that already manifestly moribund monarch (Hotman 1972: 101–03). In 1585 he had published a draft case justifying the claim of the future Henri IV in his *Disputatio de controversia successionis regiae*, a case which he refined in a second edition in the following year, and amplified in a fuller work in 1588.⁴⁷ This was the argument which he epitomised in the new chapter in *Francogallia*.

The laws which he detailed⁴⁸ there were so 'certain', or fundamental, that even the estates general – the public council in its modern guise – could not rescind them. Indeed, it becomes clear that the main purpose of the three laws which bear most directly on the question of succession was to bind the council as well as the king. These three receive far more attention in the chapter than the other five. Hotman characterises all three (though not the others) as customs (Hotman 1972: 462 [law 2]; 466–8 [law 3]; 468–70 [law 4]), but as customs which could not legitimately be altered afterwards (as he states elsewhere in the new edition, when touching on royal succession in a discussion of the royal demesne) they had been 'gradually received [*sensim recepta*]' (Hotman 1972: 256 [1586 edn.]).⁴⁹ He fails to explain how customs might be 'received' in such a way that the public council, representing the 'people', could not at any subsequent point revoke them – especially when the 'first and foremost' of these laws was that Francogallican kings should 'preserve

the authority of the public council as something holy and inviolate' (Hotman 1972: 458). If custom embodied popular consent, in these particular instances the people represented in the council was nevertheless somehow bound in such a way that it could not later withdraw its consent, or consent to a new practice which derogated from or abrogated existing customs governing royal succession. Although these laws had in some unspecified way gradually come into being, once they had done so, at points in time which are never identified, they were to be everlasting. It appears that no new custom governing succession could henceforth be created, even by the public council, the authority of which was circumscribed, though nevertheless sacred.

As we have already seen, the argument advanced in earlier editions was based on the Bartolist assumption that any practice contrary to the public welfare could not constitute custom. If pressed, Hotman might have sought to justify in similar terms the unalterability of the 'law[s] or custom[s] of the realm' (Hotman 1972: 466, 468) which he analysed in the new chapter. Nevertheless, it is difficult to reconcile these 1586 additions with the argument advanced in previous editions. This is partly because by implication these laws circumscribe the public council's freedom of action in so many precise ways: most of the fundamental laws he analyses are very specific and detailed. More obviously, it is difficult to reconcile them with the novel assertion, inserted elsewhere in this edition in the chapter on royal demesne, that 'the crown of Francogallia began to be hereditary' by 'custom', once that custom had been 'gradually received' (Hotman 1972: 256). In earlier editions, Hotman had been very concerned to deny that the crown had become hereditary until after Hugh Capet's (implicitly usurpatory) accession (Hotman 1972: 220, 412; further above, p. 798–9). Strictly speaking, the new chapter on fundamental laws also contradicts this previous insertion in the same edition, because it argues that French royal succession was neither hereditary nor patrimonial (Hotman 1972: 466, cf. 246; further 101). But this fresh formulation was not simply a reaffirmation of Hotman's original emphasis on election by the public council as opposed to inheritance. Rather, it 'observed what was instituted by forebears and by ancient custom' (Hotman 1972: 462),⁵⁰ which turns out to mean 'simple succession [*simplex successio*] or the substitution [*subrogatio*] of the first-born son or nearest agnate, to whom the kingdom is due from the law or custom of the kingdom alone, from which alone he derives his right, and not from a father or other predecessor' (Hotman 1972: 466). So in 1586 'custom' continued to rule Francogallican royal succession, but custom thus defined had not been mentioned in earlier editions of *Francogallia*. It had, however, been considered at some length in his *Disputatio de controversia successionis regiae* of the previous year (Hotman 1585: 24, 62; above, p. 794, 801).

The potential exclusion crisis consequent on the death of the duc d'Anjou had evidently created very considerable difficulties for Hotman. It is striking that the authorities on whom the new chapter on fundamental laws was avowedly based were primarily either medieval Roman and canon lawyers, such as Baldus, Johannes Andreae, and Hostiensis (respectively Hotman 1972: 464, 470; 464, 474; 474–6), or recent writers (mostly lawyers) on French affairs, such as Guillaume Budé, Claude de Seyssel, Barthélemy de Chasseneux, Charles du Moulin (Hotman's sometime tutor), and, as he signalled, above all the early fifteenth-century lawyer, Jean de Terre Rouge (respectively Hotman 1972: 460, 476; 470–4; 460; 476, cf. 10–13; 462–6). In the *Disputatio de controversia successionis regiae* he had already accorded pride of

place to de Terre Rouge (Hotman 1585: 23). In the new chapter in *Francogallia* he reaffirmed that it was de Terre Rouge who had identified the French *consuetudo* of *simplex successio* (Hotman 1972: 462, 466), and he quoted de Terre Rouge's characterisation of it as *consuetudo*. De Terre Rouge's choice of term must have delighted him, and encouraged him to resurrect the *Tractatus*, first printed in 1526, as a way of justifying Henri de Navarre's claim.

Not only is this avowedly primary authority, like many of Hotman's other authorities, a late medieval one, so too all the historical events invoked in this chapter had happened during that period – the period when, according to the first and second editions, illegitimacy had, by and large, reigned. One of these events was the succession crisis of 1418–1420, which had prompted Jean de Terre Rouge to write his *Tractatus*, and in which he had sought to intervene (Hotman 1972: 462–4; Giesey 1961: 12–17); another that of 1328, which was not mentioned by de Terre Rouge (Hotman 1972: 470).⁵¹ A third was a quotation from a treatise on the canon law of testamentary bequests by the late fifteenth-century lawyer Guillaume Benedicti (Hotman 1972: 468, citing Benedicti 1575: 'Dus habens filias', i. 17), who had cited de Terre Rouge in support of the contention that King Charles VIII, in the 1490s, had been debarred from making a will even in favour of his first-born son, the Dauphin. This Hotman had already cited in the *Disputatio*, in the same connection (Hotman 1585: 63).

One of the several ironies of the fresh chapter in the third edition of *Francogallia* is, therefore, that Hotman no longer seems interested in the period of French history prior to 987, the period which *Francogallia* had always deemed prescriptive. In 1586 he was quite candid about basing his argument on late medieval and modern authorities, above all lawyers, rather than seeking to dress up in Merovingian and Carolingian historiographical garb an argument in truth covertly based on similar authorities. Throughout the third edition, not just in this chapter, he was far more ready than hitherto to acknowledge his indebtedness to late medieval learned law. Nevertheless, he still sought to preserve unamended the main thesis which had been advanced in successive editions of *Francogallia*. As I have shown, this thesis was based upon an unacknowledged medieval civilian *aequiparatio*: that the ritual of Childeric's election had inaugurated the kingdom of Francogallia, and that all subsequent elections were customary reaffirmations of the role of the people as a corporation in the establishment of a contractually bound king.

Hotman's heavy dependence on medieval Roman jurisprudence does not mean that his espousal of humanist techniques was hypocritical, that he was an intellectual fraud. I have already drawn attention to the emphasis which, in *Antitribonian*, he placed on universal principles of equity inherent in Roman private law which might be drawn on in the compilation of a code of French law. Kings were tutors, the people was a corporation, and so on. But it does mean that his virulently anti-scholastic posturing tends to conceal the extent of his indebtedness to the medieval commentators on Roman law in general, and perhaps to Bartolus in particular. Sneering at Bartolus and his postglossatorial colleagues in *Antitribonian*, he wrote: 'As for the grossness of their rusted brains, what man of complete sense and judgement could read a single page of what they had written – except on terms and practical questions – without laughing at it, as if it were a joke, or feeling revolted, as if it were *ordure*' (Hotman 1603: 111). It would seem that a great deal must come under the twin headings of 'terms and practical questions'.



Figure 44.1 François Hotman, by Jean-Jacques Boissard, in Th. de Bry, *Icones quinquaginta virorum* (Frankfurt 1597), iii. 140, reproduced from D. Kelley, *François Hotman: A Revolutionary's Ordeal* (Princeton University Press 1973).

Beza's *De iure magistratuum* was an explicit – rather than implicit – resistance tract. Beza adduced examples from many kingdoms and empires, the most extensive of which is a discussion of France heavily indebted to *Francogallia*, in support of his justification of resistance by popular magistrates. Feudal law, particularly (unlike Hotman) the *Libri feudorum*, coronation oaths (again unlike Hotman), and custom all play leading parts. Perhaps because he was not a civilian by profession, he had no compunction about using them to present a much more explicitly universal analysis of the relationship between ruler and ruled than Hotman seems to have felt capable of doing. But he then added that he would also adduce arguments from reason, so that no-one might object that the issue ought to be decided by precept rather than just by example (de Bèze 1971: 44; Beza 1965: 67). It seems likely that this was an allusion to one of the quickly perceived weaknesses of the prescriptivist arguments

of *Francogallia*, which were vulnerable to the extent that Hotman's medieval historical scholarship was tendentious.⁵² If so Beza, like most subsequent readers of *Francogallia*, had failed to recognise that for Hotman the custom of Merovingian and Carolingian Francia constituted precept too, and that it did so because of his adaptation and development of Bartolus, whom he affected to despise. Like many legal humanists, Hotman was far more indebted to the scholastic postglossators of the later Middle Ages than he liked to let on. Indeed that unacknowledged debt provided the central conceit of his historical reconstruction of the original, early medieval Francogallican constitution. Moreover, its implicit, late medieval jurisprudential premise was that the customary law of early medieval Francia provided the solution to the kingdom's ills in the late sixteenth century. *Francogallia* should not, therefore, be interpreted as evidence that the period with which the book concerned itself was definitively over. To the leading humanist lawyer of the age, the early Middle Ages provided a political precedent when analysed in accordance with one of the key conceptual achievements of late medieval civilian jurisprudence. Hotman's *Francogallia* is an important reminder that we should not accept at face value self-promoting humanist assertions of modern superiority to antecedent medieval barbarism.

NOTES

- 1 This is a variorum edition; unless otherwise specified, my citations are of the first (Geneva) edition of 1573. My translation sometimes differs slightly from that of the editors. I am grateful to Lizzy Emerson, John Hudson, Jon Parkin, Helen Pike, and most especially Magnus Ryan, *iurisperitus*, for reading successive drafts. I should also like to acknowledge the engendering of Quentin Skinner's Special Subject, which introduced me to the monarchomachs, thereby engendering an interest which has persisted ever since; and the advice and encouragement of Ralph Giesey and John Salmon.
- 2 The book was described in the Register of the Geneva Council as 'ung livre de l'estat des affaires de France avant qu'elle fust reduite en province par les Romains': Archives d'Etat (Geneva), Régistres du conseil pour les particuliers (30 July 1573), most recently printed in Annexe III to de Bèze 1971: 76. It has been suggested that Hotman himself provided this French translation of the title of the first chapter as a way of deluding the censors: Hotman 1972: 49–50. A Latin version appears as a subtitle on the title page of the 1574 Cologne reprinting of the first edition.
- 3 On 13 August 1573 Beza reassured the Geneva Council that only a copyist and Hotman had read *De iure magistratuum*: de Bèze 1971: 76–7.
- 4 He had taken a chair at the University of Bourges as recently as April 1567: Giesey 1967: 591 and n. 1; Hotman 1972: 29–30. The losses included drafts of books. It seems likely that this was the first occasion when he lost his manuscript of his *Observationum liber III* (Hotman 1574a): see Hotman 1573b: 460. It may have been recovered and lost a second time, but was in any case eventually published in 1574: Hotman 1574a: 3–4.
- 5 After he narrowly escaped the St Bartholomew's Day massacres in Bourges, he repeatedly lamented having lost his library twice, and one of those occasions was clearly his second flight from Bourges in 1572: below, n. 6. But neither the first flight from Bourges in 1567 nor that from Orléans in 1568 can have been much more orderly than the second flight from Bourges.
- 6 Hotman 1573c: *praef.*, 2v–3 and Hotman 1574a: 3–4 both lament his having lost his library twice. The second prefatory letter to Hotman 1573b, addressed to his pupil Reuber, dated 1 March 1573, reveals that Hotman had sent 1573c to the printer in May 1572, and strongly implies that 1573b had been sent off at much the same time: 1573b: A6r. It is highly likely that this had happened when the first prefatory letter, to another old pupil, Caspar Seydlitz, was written in June 1572: 1573b: A5v. Further, Dareste 1876: 529–44; Kelley 1973: 218.
- 7 Here I differ somewhat from Giesey 1967: 590–1, who concludes that Hotman wrote the first draft 'in the early months of 1572', and redrafted it for publication 'in the early months of 1573'. Given the other long-term projects which Hotman was preparing for publication simultaneously – Hotman

- 1573b, 1573c, 1573d, 1574a, most of them substantial – and the works occasioned by the massacre which were written from scratch – Hotman 1573a and 1575 – the enormous practical difficulties, and the textual evidence for some of the drafting having taken place in 1567–8, it seems to me unlikely that he wrote most of *Francogallia* in 1572 and 1573. But it is impossible to be sure.
- 8 Hotman 1972: 218 shows that the wording is changed from the first edition's 'in the five hundred and eightieth year of [the Capetians'] reign' to (in both the second edition of 1576 and the third of 1586) 'who have now reigned through five hundred and eighty years'; cf. 446, 480, 38.
 - 9 Hotman 1972: 142. Uncharacteristically, his intended meaning is not quite clear, despite Giesey's view: 1967: 590. As Giesey points out, there are only two marginal notes in the third edition; the other identifies the source of a scriptural allusion. It seems almost certain that both were last minute additions, made after the type had been set up, and therefore kept as terse as possible.
 - 10 De l'Hôpital (n.p., n.d.) had denounced the modern corruption of French justice; de l'Hôpital (1825) declared that Roman law had never been received in France.
 - 11 The three parts were *Disputatio de iure feudali*, *Commentarius in usus feudorum*, and *De verbis feudalibus commentarius* (on the title page *Dictionarium verborum feudalium*). The *Dialecticae* had been similarly delayed, being sent to the printer in May 1572 but not published until August 1573: Hotman 1573b: A6r; Hotman 1573c: 3, cf. above, n. 6.
 - 12 The third part of the book – the dictionary – may have been the first part Hotman wrote: the other two parts make reference to it, whereas it does not refer to them.
 - 13 He had reproduced it in Hotman 1603: 9–10, including the other two elements – sacred matters and the priesthood – but suggesting that in Rome both these had been firmly under the control of the magistrates.
 - 14 The metaphor had been applied to Andrea Alciato, the great humanist jurist of the previous generation, by Bonifacius Amerbach, who envisaged that Alciato would perform this task for the whole of Roman law: Amerbach (1942–58) iii. 442 (31 August 1529).
 - 15 Most changes in the 1576 edition are simply additions or amplifications, but this lengthy passage is a substitution: the passage in the first edition mentions *ius feudale*, but does not cite the *Libri*, or make this specific point: Hotman 1972: 530. On the passages cited, see Hotman 1573b: 313–14 (on *Lib. Feud.* 2. 2, concerning investiture and co-option); 366–7 (on *Lib. Feud.* 2. 19, concerning testimony about investiture); 495–6, 510–16, 529–44, esp. 543–4 (on, respectively, *Lib. Feud.* 2. 46, 2. 52, and 2. 56, on peers exercising civil and criminal jurisdiction in cases involving disputes amongst themselves, or between themselves and the lord).
 - 16 On the passage see Hotman 1573b: 234 (on *Lib. Feud.* 1. 1, *arg.* 3).
 - 17 He cites (amongst other authorities): Baldus de Ubaldis 1524: fos. lxxvi r–v and xxiii v, respectively *ad Lib. Feud.* 2. 5 *arg.* 8 and 1. 14 (*Vulgata*) *arg.* 2. The first citation appears to be a mistake, because it says nothing about the right of the first-born son. Hotman's commentaries on these passages – Hotman 1573b: 278, 544 – do not cite the same authorities or make the same point.
 - 18 Hotman 1585: 4, 52, discusses Baldus's aside; cf. Giesey 1961: 9.
 - 19 The first *Tractatus* cites the *Libri* only three times: at I, i, 5; I, i, 20; and I, i, 22. Hotman had appended a reprint of part of de Terre Rouge's *Tractatus* to his Hotman 1585; he discusses this passage from the *Tractatus* at p. 23; further Giesey 1961: 31–7.
 - 20 See below, p. 802. Hotman 1585 makes frequent reference to the *Libri*, but does not deem them directly relevant to the case of French royal succession.
 - 21 He cites Otto of Freising (1868) II, 29, p. 413 as his authority for the practice with respect to 'noble patrimonies, which are called fiefs' in 'Burgundy. . . [and] almost all the provinces of Gaul'.
 - 22 This is amplified in the 1576 edition, but already uncompromisingly asserted in 1573. For a crisp definition of 'FEODUM', see Hotman 1573b: 661–2. As Hotman was well aware, *Libri* I. 1 recorded that fiefs, formerly termed benefices, had not originally been heritable, but eventually became so. In 1586 – Hotman 1972: 256 – he suggested that at some unspecified point succession to 'the crown of Francogallia began to be hereditary'. The reasons for the apparent contradiction are explored in Hotman 1972: 101.
 - 23 Contrast Beza's attempt, of which Hotman must have been aware: de Bèze 1971: 51–2; Beza 1965: 74. But here Beza was discussing forfeiture by a lord for felony against his vassal, and said nothing specifically about the French kingdom. He suggested that a felonious 'king or even emperor' should be subject not to a public council, but to those who represented 'la souveraineté' or the *suprema potestas* on which he depended.

- 24 Hotman 1573b: 61, citing Aimoinus 1567: *lib.* iii *cap.* 36, p. 204 (=PL cxlix. 718). The phrase ‘communi consilio’ – not Hotman’s ‘concilio’ – is used, but *cliens* is not. Aimoinus calls the father Autharius.
- 25 ‘We have already indicated that the highest authority in choosing and deposing kings was the people’s; in the second and third editions, ‘the estates’ and public council’s’ is substituted for ‘people’s’.
- 26 Note that here Hotman does not identify a *beneficium* (a term which is not found in Connan’s discussion) with a fief, though he is careful to avoid saying that the offices held by these tenants were simply *beneficia*. Hotman 1573b: 9, 640, suggests that *beneficium* is simply the Latin translation of the vernacular *feudum*; but for a more subtle assessment, see p. 376. Connan 1553: *lib.* ii, *cap.* 9, p. 119. Hotman contributed a prefatory letter to the Basle 1557 edition.
- 27 Hotman 1603: 143–6; Hotman 1573d: *passim*; Hotman 1972: 148, 154 (invoking Plato, Aristotle, Polybius, Cicero, and Caesar as advocates of limited monarchy, as practised in pre-Roman Gaul), 302 (elaborating Caesar’s account of the nature of Gallic kingship, with reference to Cicero, Pliny the Elder, Aristotle, Homer, and Herodotus), 204 (according to Sallust, the Romans had driven out the Tarquin kings when the kings imperilled the liberty which they had been instituted to preserve), 220 (comparing royal election amongst Germans, Danes, Swedes, and Poles), 282–320 *passim* (with explicit invocations of *ius gentium* at 302, 316), 344–8, 350–2, 374–8, 520 (1576 edn.: ‘There is an ancient law of the Emperor Theodosius which, I believe, has been approved by the usage and practices of all. That those who undertake a magistracy, should publicly swear not to give or promise anything in its name, either themselves, or through another. . .’).
- 28 He goes on to adduce Connan as an example of the latter category.
- 29 Caesar’s *De bello Gallico*, with some twisting, is repeatedly invoked in support of this contention.
- 30 Tacitus describes this as the *mos gentis*, not *consuetudo*.
- 31 At 232, where Tacitus is simply paraphrased without any attempt at quotation, no reference is made to *duces*.
- 32 ‘We have shown the Canninefates to have been neighbours of the Franks, or rather belonging to the same people, and therefore native Franks themselves.’
- 33 The *universitas populi* is explicitly equated with the *Respublica* in the 1586 edn., p. 254.
- 34 In the 1576 edn he glosses this: ‘et quasi corpus Reipublicae’. On corporation theory in Romanist and canonist jurisprudence, see Canning 1980: 9–32; Ryan 2010a: 236–40.
- 35 Cf. 210 (the storming of the colony of Cologne during the reign of Julian the Apostate: Ammianus Marcellinus, *Rerum gestarum libri* xv. 8, 19), 178 (1586 edn.), 206 (1576 edn.): ‘neighbouring peoples imitated both the example and the virtue of the Franks, and vindicated themselves out of the tyranny of the Romans into liberty’.
- 36 Connan 1553: 119, says that ‘henceforth they were transferred to heirs equally with the rest of the fief’.
- 37 According to Connan, they had been held precariously of the *princeps*: above, p. 795.
- 38 Cf. 408: ‘Thus Capet acquired the whole Gallic realm freely and without dispute’.
- 39 Hotman 1972: 256 (1586 edn.) states this explicitly, though without any reference to Hugh Capet; see further above, p. 802.
- 40 A French translation of the first edition was soon published: Hotman 1574b. An updated version based on the second Latin edition of 1576 was reissued repeatedly, alongside Beza’s *Du droit*, in successive editions of Goulart 1577: ii. 577–733; 1578a: ii. 271–349v; 1578b: ii. 375v–482v; Kingdon 1988: 141–9; Hotman 1972 82–3. *Francogallia* was briefly summarised in de Bèze 1971: 39–44, and in ‘Eusebe Philadelphie Cosmopolite’ 1574: ii. 86–91, 116, 190–1, which also cites Hotman (1573a) at ii. 115. For *Francogallia*’s influence on debate in assemblies of Huguenot nobles, see de Thou: 1740: v. 14.
- 41 Bartolus was reiterating a postglossatorial commonplace in making consent the immediate cause of custom, but his extensive elaboration of it became the classic formulation.
- 42 Azo argues that custom abrogated a law if it was a law which a contract could abrogate. His *Summa* remained influential throughout the Middle Ages and beyond. Bartolus was certainly familiar with it. I am grateful to Magnus Ryan for drawing my attention to this passage.
- 43 In the 1586 edition he amends this to ‘the Emperor Justinian said’. He quotes the tag again in the 1576 edition at p. 424, but the paragraph which it concludes was elaborated and shifted in the 1586 edition to p. 476. On the moving of this passage, see Giesey 1972: 67–78.
- 44 Hotman 1972: 196 (*consuetudo*, though he also quotes Tacitus’s *mos gentis*), above, p. 796–7; cf. 222 (*mos*, quoted from Aimoinus 1567: *lib.* i. *cap.* 4, p. 27), 224 and n. 21 (*mos*, erroneously attributed

- to Gregory of Tours), 232 (*ritus* and *mos antiquorum Francorum*, both from Aimoinus 1567: *lib.* iii. *cap.* 61, p. 240), 362 (*mos*), 364 (*mos*, quoted from Aimoinus 1567: *lib.* iv. *cap.* 61 p. 404).
- 45 Hotman had published Pompilius Amasaes' Latin rendering of *lib.* vi of Polybius in an appendix to Hotman 1563: 499–519.
- 46 Such laws are already described as 'certain' in the first edition, p. 236, but are not elaborated there.
- 47 Cf. above, p. 794; Hotman 1588.
- 48 They are:
1. That the king may do nothing which affects the condition of the whole commonwealth without being permitted to do so by the authority of the public council.
 2. That the king has no right to adopt a son or to dispose of his kingdom either among the living or by making a will.
 3. That at the death of a king the inheritance of the kingdom passes to his eldest-born son, and that it is illicit to substitute another son of the king for an elder one, or to institute anyone else as successor.
 4. That no woman is admitted to inheritance of the kingdom, but that the nearest agnate of the dead king, although more distantly related than the woman, is to be preferred to her.
 5. That the king has no right to alienate any part of his demesne without the authority of the public council.
 6. That the king has no right to cancel or remit the punishment for a capital crime without the authority of the *parlement*.
 7. That the king is not allowed to dismiss any magistrate of the kingdom or commonwealth without the reasons being examined and approved in the council of peers.
 8. That the king has no right to alter the coinage without the authority of the public council.
- 49 The 1586 edition's Chapter IX, on royal demesne, was an amplification of part of the first edition's Chapter VII, on the deposition of kings.
- 50 Note that the translation in the edition is wrong here.
- 51 Cf. 268, 418, for the conflict between Philip of Valois and Edward III of England in 1328. This case was mentioned in the first edition because it bore on the controversy about the Salic law.
- 52 Matharel 1575: 8, points out that it is the law, rather than a precedent, which matters, cf. 34. For Hotman making the same point in another context, see Hotman 1573d: 16, cited in Hotman 1972: 44.

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CHAPTER FORTY-FIVE

ON 1500



Elizabeth A. R. Brown

Why 1500? My title might easily have featured other dates that historians have used to designate the end of what they term ‘the Middle Ages’. The date itself is relatively unimportant. The subject I shall treat I consider far more significant: the barriers to understanding created by periodizing the past, and especially by dividing ‘the Middle Ages’ from ‘the Renaissance’. Rather than confining myself to generalization, I shall deal with three specific clusters of topics: first, kingship, nobility, and lordship; second, property-holding and loyalty; and third, the development of historical-mindedness and historical perspective. I shall argue that the development of each of these phenomena has been badly distorted by the traditional separation between ‘Middle Ages’ and ‘Renaissance’. At the end I shall propose a solution of sorts – or at least a certain solace and encouragement for the future. But first I should like to write a few words about the dates that have been assigned to the ‘end of the Middle Ages’ – and those assigned to the era’s beginning. Then, having briefly considered some general problems raised by periodization, I shall try to explain how, in practice, periodization has affected comprehension of the three topics I have selected for scrutiny.

ENDING AND BEGINNING ‘THE MIDDLE AGES’

Since in this essay I focus on France’s ‘Middle Ages’ and ‘Renaissance’, I have chosen the date generally favoured there for the end of ‘the Middle Ages’ – 1500 (*France 1500* 2010). Why this year is preferred is unclear to me. I suspect the influence of the conviction that ‘the French Renaissance’ was a sixteenth-century phenomenon and thus began in or about 1500, at which time ‘the French Middle Ages’ ended. The year 1500 corresponds to no particularly memorable event in the history of France, separating as it does the first two years of the reign of Louis XII from the final fifteen, and marking the inception of Italian ventures that are impossible to treat without reference to those of his distant cousin and predecessor Charles VIII (1483–98). The date does not have the obvious attraction of 1453, linked as that year is with the Ottoman Turks’ capture of Constantinople and the end of the Byzantine Empire. The collapse of one empire resonates nicely with another imperial decline

and fall, some thousand years earlier, although the demise of the Roman Empire has proved less susceptible to precise dating than the conquest of Constantinople. The French might have been tempted to terminate their 'Middle Ages' in 1453 because their ancestors captured Bordeaux from the English in that year, but the continuing English presence on French soil until Calais was seized in 1558 doubtless diminished that date's appeal.

The dates variously assigned to the beginning of 'the Middle Ages' and the disappearance of 'Antiquity' seem to me equally arbitrary. The turning point is usually situated in the fifth century, or the sixth. The year when the Visigoth Alaric sacked Rome, 410, has dramatic appeal. But 476 (a more traditional marker) witnessed the deposition of Romulus Augustulus, the last emperor to rule in the West until in 800 Pope Leo III conferred the title on the Frankish king who came to be known as Charlemagne. Some, like Ferdinand Lot (1866–1952), opt for the split between East and West signalled by the reign of Justinian (527–65), some for the advent of what they term 'new forces' in the West in the eighth century (Lot 1927: 469–70, trans. 407; Berr 1927: xix–xxvi). These markers are for the most part politically based, linked with Empire either Roman or Byzantine. Each has the defect of excluding the centuries that saw the development of the Christian faith, arguably the single most important element in the history of the succeeding millennium – and of the millennium that followed and has just ended. But it is the termination, not the beginning, of 'the Middle Ages' that I shall examine here.

PROBLEMS OF PERIODIZATION

The predicaments entailed by splitting the past into ages have long been recognized. Marc Bloch (1886–1944) offered characteristically incisive observations on the subject. After considering how 'the Middle Ages' came to be separated from 'the Renaissance' (Bloch 1953: 178–89; Bloch 1993: 179–85; cf. Reuter 1998: 25–45; Richmond 1998: 33), he decried this partition, as he did the practice of 'counting by centuries' – centuries which never quite commence or terminate with the hundred-year divisions that order our calendar (Bloch 1953: 181–2; Bloch 1993: 92–3). Perhaps because his friend Lucien Febvre endorsed the concept, Bloch objected less strongly to the notion of 'civilizations' as an organizing principle – although he was vague as to how it could or should be used (Bloch 1953: 187–8; Bloch 1993: 96; cf. Fink 1989: 133–4, 162–3, 285, 327). He admitted that 'the Middle Ages' was a 'convenience for school curriculums', but he considered this virtue 'debatable', as he did other divisions, such as 'the Renaissance' (Bloch 1953: 181; Bloch 1993: 92). He called, rather imprecisely, for temporal categories that would reflect the variable rhythms of reality, and believed that historians should seek from the phenomena they studied 'their proper periods'. Still, like so many others, he continued to use the traditional periodizing labels in his writings – although in the books that were his masterworks, the subjects he treated determined their chronological limits (Bloch 1953: 183–4, 188–9; Bloch 1993: 93, 96–7; cf. Bloch 1931; Bloch 1913; Bloch 1924).

Bloch does not stand alone in offering mixed signals. Lord Acton (1843–1902) was no different. In the Inaugural Lecture he delivered in June 1895 as Regius Professor of Modern History at Cambridge, he admonished historians to 'study

problems in preference to periods' (Acton 1906: 26; cf. Gilmore 1952: xiii). This is similar to Bloch's advice to select temporal limits congruent with phenomena, and foreshadows the 'history focused on problems' (*histoire-problème*) that Bloch and Febvre practised, and that Fernand Braudel fervently championed (Hexter 1972: 510–12, 530–1; cf. Braudel 1950: 496). But Acton was also impressed by the continuity, the unity of history, a vision close to Braudel's conception of *histoire totale*, which J. H. Hexter suggests should be rendered 'endless history' (and which virtually excludes the possibility of *histoire-problème*) (Acton 1906: 3, 5; Hexter 1972: 511–12). In the end, however, bowing to necessity and convenience, Acton accepted the traditional compartments, declaring that Modern History began 'four hundred years ago' – thus, in 1495. Having taken this tack, he resolutely presented the modern era as 'marked off by an evident and intelligible line from the time immediately preceding, and display[ing] in its course specific and distinctive characteristics of its own'; as 'an awakening of new life'; as a 'world revolv[ing] in a different orbit, determined by influences unknown before'. 'The sixteenth century', he declared, 'went forth armed for untried experience, and ready to watch with hopefulness a prospect of incalculable change' (Acton 1906: 6; cf. Stubbs 1886, repr. 1967: 225–6).¹ To support his dramatic pronouncements, Acton invoked Columbus, Machiavelli, Erasmus, Luther, and Copernicus. Depicting them as innovative heralds of a new order, he neglected the ties that bound them to their intellectual predecessors. A brilliant *tour de force* of selectivity, Acton's performance calls to mind the similarly deft effort of Robert Sabatino Lopez to establish the tenth century as 'still another Renaissance' (Lopez 1951).

The division between 'the Middle Ages' and 'the Renaissance', like the names assigned to the two time-spans, has had unfortunate results. For those, like Acton, who study the later centuries, all that precedes 1500 is on the wane, in decline, and degenerate, whereas what follows is new, fresh, and full of promise, distinct and different from what came before (Kaminsky 1998: 15–22; cf. Burckhardt 1882 (1965): 61–2; Huizinga 1919). Specialists in earlier centuries, stung by such assessments, endeavour to brighten and enliven their period, discovering within it 'Renaissances', secularization and the nation state, and even a 'Reformation', as well as recognizable manifestations of individuality and skeptical rationality (Freedman and Spiegel 1998: 682–93; Spiegel 1997: 66–71; Cantor 1991: 245–86; cf. Bynum 1997: 2; Constable 1996: 1–4). Not only do they detect before 1500 traces of phenomena generally linked with later times. They are also tempted to impose closure at 1500 on whatever topic they are studying. Thus, for example, historians of historiography, anxious to date the destruction of romanticized myths of national origin before 1500, have neglected the importance of the German scholars who, in the first decades of the sixteenth century, discovered in Tacitus and other ancient writers the ammunition needed to dislodge the Trojans from their position of prominence (Brown 1998a; Brown 1998b; Brown 1999c).

Historians of the centuries before and after 1500 find themselves in a quandary. The terms 'Middle Ages' and 'Renaissance' are generally familiar. They are embedded in our consciousnesses. It is virtually impossible to escape them. Craig Wright wisely used musicological and liturgical criteria to set (at 500 and 1550) the chronological boundaries of his study of music and ceremony at Notre-Dame of Paris. Yet rather than considering the continuities he perceived as grounds for

rejecting traditional periodization, he set Notre-Dame apart, declaring it ‘astonishing to see how long medieval practices endured [there], as if the Renaissance and Counter-Reformation never occurred’ (Wright 1989: 358). Consider, too, Roger Doucet’s astonishment at the depth of Christian piety that Francis I (r. 1515–47) manifested on his deathbed. Convinced that among the educated in sixteenth-century, ‘Renaissance’ France, traditional beliefs were generally mingled with ‘vaguely classical philosophical ideas’, Doucet saw the king as an exception, an oddity. ‘The Renaissance’, Doucet concluded, ‘had not affected his faith’ (Doucet 1913: 314; Giesey 1960: 195 [1987: 294]). Doucet found it similarly surprising that Francis, a monarch known for his innovative administrative policies, should have delivered thoroughly traditional admonitions to his son before dying – to love God and the Catholic Church; protect, extend, and cherish the kingdom and its loyal people and nobles; preserve the Church; and maintain justice. In Doucet’s judgement, his words betrayed ‘a banal conception of royal power, no different from what the most mediocre of his predecessors might have had’ – which was not, evidently, what Doucet expected from a king to whom he attributed a unique style of ruling, a ruler who ‘had led the monarchy into new paths’ (Doucet 1913: 311, 315; cf. Teall 1978: 1). In this manner obviously artificial categories vitiate the cogency with which sources are analyzed and evaluated. Events and individuals are presented as ‘exceptional’, ‘anomalous’, ‘precocious’, and ‘curious’, although, as Howard Kaminsky observed, such judgmental terms simply reveal a ‘failure of understanding’ (Kaminsky 1986: 704–5). Viewing the sources through the prism of artificial constructs guarantees their distortion.

The problem is critical. Before attempting to suggest solutions, I should like to consider three sets of phenomena whose nature and development seem to me to have been warped by historians’ acceptance of the conventional division between ‘Middle Ages’ and ‘Renaissance’. In each case, I believe, the failure of those concentrating on the period after 1500 to appreciate the nature and significance of earlier practices and traditions has resulted in misunderstanding. Similarly, the failure of those focusing on the earlier period to pursue later developments has caused miscalculation of the strength and endurance – and even the nature – of the phenomena they study.

KINGSHIP, NOBILITY AND LORDSHIP

Roger Doucet was surprised that Francis I’s religious beliefs and feelings about his and his successor’s obligations as king were conventional. This assessment, however, underestimates not only the universal importance of tradition in moments of human crisis, but also the degree to which monarchical actions and pronouncements derived their force from past practices and customs. True, Francis I was raised to think of himself as another Caesar, and he doubtless relished the comparisons to antique heroes with which he was flattered (Brown 1995a; cf. Krynen 1993: 341–83; Brown 1999). On the other hand, he was, as Christian king, expected to emulate his Christian forebears, and especially St Louis (r. 1226–70), who set the standards by which all future rulers were judged. It is no accident that before Louis XVI’s execution on 21 January 1793, his confessor exhorted him as ‘son of Saint Louis’ to rise to heaven.²

Francis I’s dying, and the instructions he gave his son, recall and may well have been inspired by the description of St Louis’ death and admonitions preserved in

Joinville's Life of the king (Joinville 1867: 490–501; 1963: 346–9). They recall as well the last moments of St Louis' grandson Philip the Fair (r. 1285–1314), as Yves, monk of St-Denis, recorded them (Yves of St Denis 1858: 206–9). Francis did not, like Louis, have himself placed on a bed of ashes. He did not, like Philip the Fair, extend his arms as if he were hanging on a cross. He did not, like Louis, invoke individual saints. But like both Louis and Philip he took particular comfort from the example of Jesus Christ. And the counsel Francis bestowed on his son was markedly similar to the advice Louis and Philip gave their heirs. All emphasized love of God, the Church, and the realm, and the signal importance of justice.

This is not to say that the deathbed scenes are mirror images of one another. The differences among them shed light on the individuality of each ruler, and the milieu in which each lived. Francis I was concerned about the orthodoxy of a sermon of Origen, which was brought him instead of the homily by John Chrysostom he had requested. St Louis emphasized the personal religious duties of his son, and his heir's obligation to restore anything he wrongly possessed. Philip the Fair threatened his son with malediction if he failed to fulfil his commands, and took special pains to instruct him in the ceremony of the royal touch, the God-given power to cure scrofula which the kings were thought to possess. But the similarities and continuities are far more striking than the differences. This is true as well of the ceremonies that the rulers of France sponsored and favoured, which became increasingly elaborate, but which rarely diverged radically from those that had preceded. Indeed, the only significant innovation in the royal funeral ceremony after 1500, the service of meals (with blessing) to the royal corpse and effigy, was a Christianized revival of an antique practice, which recalls the introduction of the effigy itself many years earlier (Brown 1999b, 2002).³ It is little wonder that a historian of fourteenth-century France, Joseph R. Strayer, should have declared how difficult it was 'to say exactly what was new' about the 'New Monarchies of the Renaissance' (Strayer 1972: 13).

After 1500 the rulers of France employed much the same mechanisms to govern their lands as they had earlier. The extent to which they relied on the nobility, large and small, as intermediaries between themselves and their subjects recalls the similar policies that, of necessity, the Carolingians implemented. Historians of the sixteenth century are increasingly inclined to recognize the role of the nobility as executors of royal policy, in my view better termed a *noblesse de service* rather than a *noblesse seconde* (Teall 1978; Harsgor 1980: 2. 1227–324; though cf. Constant 1989: 280–4, and Bourquin 1994: 37–42, 44–7, 50–8) – more so, arguably, than scholars intent on the emergence of bureaucracy and strong centralized governments in the fourteenth and fifteenth centuries, and convinced that at that point kings controlled their realms through functional 'offices of justice, finance, and war' (Bisson 1995: 757–9). In 1500, the 'impersonal test of competence' had hardly replaced 'affective trust and fidelity' (Bisson 1995: 753) – or friendship – as a means of access to power and prestige, as those who study the nobility of sixteenth-century France know well. Indeed, the workings of contemporary government cast considerable doubt on the possibility of ever fully achieving such an ideal. The centrality of personal ties to the acquisition and exercise of power may well be a historical constant. Such bonds were pivotal in the sixteenth and seventeenth centuries (Michon 2011), as they remain today.

The abundant sources that illuminate the workings of lordship in sixteenth-century France make it possible to understand its varieties far more fully than can

be done for earlier times. The journals that the Norman lord of Gouberville kept between 1549 and 1562 enabled Elizabeth Teall to describe in detail his activities as landlord, royal representative, dispenser of justice both informal and formal, arbiter of morals, and sometime succourer of the poor and needy (Teall 1978; Teall 1965: 138–41). Teall examined a wealth of additional evidence in trying to comprehend the relationship between sixteenth-century French lords and their subjects. Did they oppress the peasantry or act as their advocates? Well aware of the gulf between ideal and reality, Teall sensibly concluded that much depended on the character of the individual lord. Still, there were strong moral and economic inducements to incline lords towards the good. Perhaps most potent was the commonsense realization that ‘the strength and duration of [the lords’] own authority rested inevitably upon the well-being and repose of the tenantry’. The lords were unlikely to flourish if their subjects were miserable and impoverished. Further, the Christian virtues of mercy and charity were widely praised and highly valued (Teall 1965: 144).

The functional divisions of society that were elaborated in various forms by the Christian fathers and their successors in the first fifteen hundred years of the Christian era implied organic social unity and ideals of mutual obligation compatible with the activities of nobles like the lord of Gouberville and the moral values with which they were inculcated (Constable 1995: 240–350; cf. Duby 1978 (1980); Brown 1986). Such congruences explain why Teall and others have viewed as ‘medieval’ the loyalty of tenants and peasants towards their lords, and lords’ feelings of responsibility for their subjects in the sixteenth and seventeenth centuries (Teall 1965: 150). The Christian ideals propounded from early on, the economic and social realities that, early and late, fostered the notion of mutual dependency (Brown 1992: 4–7), and the responsible attitudes of many sixteenth-century lords in turn raise questions about the likely nature of earlier lordship (cf. Bisson 1998, 2009).

Some scholars working in the era before 1500 have painted a gloomy and depressing picture. Between the tenth and the twelfth centuries – for some three hundred years – lordship, it is said, was predominantly harsh, violent, exploitative, and cruel. In those times lords, driven by greed and violence, had little or no interest in maintaining order (Bisson 1994; Bisson 1998: 141, 143–53; Bisson 2009; but cf. Fossier 1974: 77–8, 86; Evergates 1975: 136–53; Letwin 1977: 373–5; cf. Hilton 1977: 461; and particularly useful comments in Reynolds 1984 [1997]: lxii–vi). How valid is this vision? The question remains open, but the experience of sixteenth-century France, far more fully documented than that of earlier times, raises the possibility that the earlier centuries had their share of good lords as well as bad. Then as now, the dramatic, sensational appeal of wickedness and debauchery may well have resulted in over-representation of such impulses in the surviving sources. The most successful means that were devised in earlier times to control and limit disorder were less spectacular than the famed Peace and Truce of God (whose origins await full study) (Head and Landes 1992; cf. Nelson 1994). These methods have only recently begun to be understood and appreciated (Cheyette 2003; White 1978; White 1986; White 1995; Davies and Fouracre 1986; Bongert 1949). The ingenuity that apparently inspired them is, however, reminiscent of the talents the lord of Gouberville and his peers exhibited in attempting to deal with the turmoil caused by religious warfare in sixteenth-century France. Whether or not arbitration and negotiated compromise are classed as formal governmental institutions (Baldwin 1986: 42), the

norms that inspire them have often helped hold society together – as they still do. The nature of lordship before 1500 is thus likely to have been far more varied than has generally been perceived.

LAND-HOLDING AND LOYALTY

Even more than historians of fourteenth- and fifteenth-century Europe, sixteenth-century specialists have neglected the importance of fiefs as a vital component of government, a means of rewarding service and reinforcing loyalty. Their attitude is doubtless affected by the assumptions of historians of the two centuries before 1500, who see feudal institutions as withering, and who in significant numbers have embraced the notion of ‘bastard feudalism’ (Harriss 1981: ix–xxvii; cf. McFarlane 1944 [1981]: esp. 17–18; McFarlane 1945 [1981]; Bean 1989: 231–4). This view is widespread. In his book on European lordship and feudalism before the twelfth century, Robert Boutruche includes texts from the fourteenth to the eighteenth centuries to illustrate ‘rites of vassalage’, and the later texts (including an act of homage performed on 6 July 1789) provide telling examples of what, presumably, were traditional usages. Rather than discussing the function of these practices in the later centuries, however, Boutruche identifies the fourteenth- and fifteenth-century documents as manifesting the ‘first signs of decline’, which he pronounces ‘accentuated’ in the sixteenth century, whereas the seventeenth- and eighteenth-century sources are called ‘survivals’ (Boutruche 1959: 332–48). The outlook these labels reveal would hardly encourage historians of the sixteenth century to devote their attention to modes of property-holding (a topic supremely worthy of investigation), particularly since they have more dramatic topics to consider – among many others, increasing royal power and the tensions between kings and nobles, religious strife, and the brilliant culture of the court (Chatenet 2002; Jouanna 1996; Le Roy Ladurie 1987 [1994]: esp. 104; Mousnier 1969: 19, 81–2; cf. Gallet 1981: 105–22; Lewis 1968: 199–201; cf. Astarita 1992).

The fourteenth and fifteenth centuries and, especially, the sixteenth thus seem strikingly different from the period from the tenth to the end of the twelfth centuries, when, for three hundred years, ‘the fief’ and ‘vassalage’ have, since the seventeenth century, figured as the chief *dramatis personae* of the historical narrative. The focus on the fief, the feudal law, and their accoutrements, like the invention of the constructs ‘feudal system’ and ‘feudalism’ in the eighteenth century, was in part the product of scholars’ search for system and order in human society. It was also a result of the difficulty they had in finding suitable and appropriate individuals and institutions on which to focus their attention. The decline of centralized governments meant the eclipse of the empires, emperors, kings, and kingdoms that provided comfortable narrative foci. What is left, and particularly the intricacies of property-holding, has generally seemed too sparsely and erratically documented to justify historians’ attention, although a courageous few have attempted to reconstruct the complex reality the surviving sources reveal (Tabuteau 1988; Cheyette 2001). Hence constructs – feudalism, manorialism, lordship – were (as they sometimes still are) elevated to heroic status (Reynolds 1984 [1997]; cf. Fossier 1974: 159–67; and still Southern 1953: 74–117). The security which these anthropomorphized constructs provide has come to be recognized as delusive, however, weakening and finally vanishing when questions are asked about the numerous individuals

who populated Europe in the years when the abstractions reigned supreme. There is need for far more work on the sources than has yet been done – on both sides of the divide (Cheyette 2002; Reynolds 2012).

The attention paid to the constructs during the centuries of decentralization inevitably won them disproportionate prominence when realms and their rulers reemerge as dominant elements, from the twelfth century on. Rather than discussing, simply, kings and kingdoms, and considering the numerous strategies rulers employed to gain, consolidate, and extend their power, historians have labelled the monarchies ‘feudal’, thus suggesting that the distribution and manipulation of fiefs provide the essential key to the kingdoms’ new-found vitality and strength (Bisson 1978 (1989); Baldwin 1986: 259–303; cf. Giordanengo 1988; Fossier 1974: 159). To question this approach is not to deny that fiefs and ties of homage and fealty existed in twelfth-century Europe, or that rulers utilized them. Kings and their advisers, many of them lawyers, were inspired by the *Libri feudorum*, a twelfth- and thirteenth-century Lombard compilation, soon treated as an integral part of the Roman law, which set forth rules governing landed property (called *feuda* or fiefs) and their holders (called *vassi* or vassals) (Reynolds 1994: 258–9, 320–2, 483–6; Benton 1991; Evergates 1985). The issue, in my view, is one of balance, of according fiefs and the *Libri* their proper share of attention, but denying them prominence they do not merit. Historians of Europe before 1500 have erred in one direction, those of the centuries afterwards in another.

The *Libri feudorum* influenced not only twelfth- and thirteenth-century rulers, but also the seventeenth- and eighteenth-century scholars who invented the feudal constructs (Davis 2008). These scholars were, however, also influenced by contemporary tenurial and ceremonial conventions and practices, whose origins they associated with – and proceeded to find – in the distant, ‘medieval’ past. Although the English finally abolished feudal tenures in 1660 (Pocock 1957: esp. 169), they and their ceremonial trappings remained vitally important in France until the Revolution. Until then the French tenurial world was fundamentally feudal and seigneurial. Those who acquired and inherited land, expanded and administered estates, and engaged in litigation involving their holdings, were enmeshed in its complexities. Much, of course, had changed since the twelfth century. Still, conflicts of loyalty similar to those that had disturbed tenants of multiple fiefs in that century and earlier troubled those who, during the religious wars, found themselves bound to superiors whose faiths were different from their own.⁴ Had feudal institutions possessed as little importance after 1400 as has often been suggested, it would be hard to explain why the Assemblée nationale considered ‘the feudal regime’ a threat sufficient to warrant the efforts made between 1789 and 1792 to demolish it (Sagnac and Caron 1907: 1–2, 173–81; Mackrell 1973: 174–86). As it was, in 1790, inspired by the attacks on *féodalité* and the *régime féodal* in the Assemblée, Edmund Burke inveighed against ‘feudality’ as ‘the barbarism of tyranny’ (Burke 1839: 3. 255, cf. 2. 182–3).

HISTORICAL PERSPECTIVE AND THE LAW

Seventeenth- and eighteenth-century historians devised historical constructs to explain the origins of phenomena they observed around them. The feudal icons they created, which have dominated and deformed subsequent historical discourse,

raise questions about the aims, standards, and methodology of those who fashioned them. The questions are particularly unsettling in view of the fact that these scholars lived long after the time when, it has been thought, those who studied the past had begun distinguishing past eras and concerns from the present and its assumptions, had developed a sense of historical perspective and awareness of anachronism, and had evolved critical techniques for evaluating evidence from the past. According to Lord Acton, historians in 'the Middle Ages' 'were careless', 'invent[ed] according to convenience, and [were] glad to welcome the forger and the cheat'. It was in 'the Renaissance', he believed, that 'History as we understand it began to be understood'. He left vague the process of development and the criteria he was employing (aside from invoking 'keen Italian minds' and their penchant for 'exposing falsehood') (Acton 1906: 6–7). Petrarch (1304–74) and Lorenzo Valla (1407–57) quickly emerged as heroes, but they, of course, lived long before 1495 (Acton's favoured date for commencing 'the Renaissance').

Whatever the shortcomings of historical scholarship in the seventeenth and eighteenth centuries, intellectuals undeniably had a keener sense of historical perspective than had been the case five centuries before. In attempting to account for the changed attitude to the past, scholars concerned with historical and political thought after 1500 have looked to the study of the Roman law, and to sixteenth-century France. By 1952 'humanist commentators on Roman law' were being credited with 'historical-mindedness' and with recognition of the pastness and unique integrity of previous civilizations (Gilmore 1952: 236; Gilmore 1941: 6–7, 70; Gilmore 1963; Maffei 1956; Mortari 1962; Pocock 1957: 10–1; Kelley 1970: 9–10, 87–106, 302–6; Kelley 1984b; Kelley 1991: 2. 123–4; Huppert 1970: 40–1, 152–4; Fumaroli 1977: 15–8, 27; Jouanna 1982: 57–9, 75–6; Barret-Kriegel 1988: 2.115).⁵ Through the humanists, it is argued, lawyers in general, and especially lawyers in France, came to realize that the past could not 'speak directly to the modern world'. The lawyers recognized that whereas Roman law was a fit subject for historical study, its rules and methods were irrelevant to their work in the courts.⁶ Thus, it is said, practitioners were drawn to custom and customary law, which they valued as peculiarly French. Dedicated to its codification, they accorded it preferential standing in the courtroom (Maffei 1956: 191–2; Mortari 1962: 61–2, 84–134; Kelley 1970: 260–1, 290–1).

This view of the growth of historical consciousness has distorted comprehension of, first, French attitudes to Roman law and custom before and after 1500, and, second, the arguments lawyers used and the authorities they invoked when they appeared in court. It is probably no accident that legal historians have played little part in the development and popularization of the thesis. Legal historians tend to emphasize continuity and to treat large sweeps of the past (Flach 1883: 223–4, 226; Declareuil 1925: 432–3, 829–51, 885–7; Chénon 1926–9: 1.486–9, 508–13, 2.331–3; Petot 1951: 347–51; Legendre 1988: no. VII; Kelley 1984: 44–55 [breaking with his own earlier position]; Troje 1993: 71–5), whereas historians of Renaissance thought are generally more conversant with classical authors than with classical law and Justinian's codification, not to mention the arguments lawyers advanced in the courts and the treatises they wrote before and after 1500 (Giordanengo 1990: 439–40).

As has been demonstrated by legal historians concerned with the practice rather than the theory and codification of the law, from the thirteenth century on – and

even before – arguments based on and derived from the Roman law were regularly used in France. They were one of the chief staples on which lawyers relied in their briefs. As students, the lawyers had immersed themselves in the Roman and canon law, which were far more accessible than the strikingly diffuse and complex customs invoked in regions of France where Roman law was not followed. The arguments that lawyers advanced before the Parlement de Paris in the sixteenth century were reported at far greater length than had been true earlier, but the authorities on which the lawyers relied and the rhetoric they employed were remarkably similar to what had been used since the thirteenth century (Brown 1995b: 326–31, 366–8; Houllémare 2011). Like their predecessors, sixteenth-century lawyers (some of whom excelled at textual analysis and historical research) demonstrated their erudition and legal learning by citing the Roman law in their briefs (Brown 1995b; see further Brejon 1937: 3. 223–6, 234, 259; Thireau 1980: 30–1, 87–94; Gilmore 1941: 64–71; Kelley 1970: 164–82, 189–98; Jouanna 1982: 65–6). Towards the end of the sixteenth century, after the codifiers of customary law had brought some order into French customs and published their work, the situation altered, although it is difficult to say how radically it changed. Roman law did not disappear from the courtroom or the classroom.⁷ The Roman law was, of course, the customary law of southern France, and those who recorded and codified the customs of France before and after the sixteenth century were well trained in its intricacies (Thireau 1980: 31, esp. n. 84, 87–93, 209; Reulos 1963: 119–33, esp. 132). French patriots, lawyers included, sometimes inveighed against the Roman law, but they did so because they rejected the notion that France was necessarily bound by the Roman law and hence subject to the empire. The king of France, after all, had long been considered emperor in his own realm (Post 1964: 434–93, at 471–82; Krynen 1993: 384–414; also Delachenal 1885: 242–4; Chénon 1907/8: 1.195–212 at 211–12). For the Roman law itself, French lawyers and scholars had considerable admiration (Du Tillet 1606–1607: 251; Coquille 1646: 8; Le Bret 1635: 10–1; see Thireau 1980: 96–100).

The attitude of the French in the sixteenth century mirrored views that Philip the Fair expressed in 1312 in authorizing the teaching of Roman law at Orléans. The realm of France was ruled by custom, he said, not written law, and when the written law was used or studied in France it was with the express authorization of the kings of France. Why did they give their approval? Because the Roman law encouraged the development of reason and morals, and showed how justice could be implemented – as well as preparing the way for the understanding of custom. The Romans themselves had received Greek law ‘pro sui eruditione’ – as a source of inspiration and instruction for themselves. Similarly, owing to their excellence, the principles of Roman law were accepted in France when royal judgements and ordonnances did not resolve issues, and when custom was uncertain or lacking (Ordonnance of 17 July 1312, in Fournier 1890: no. 37: 36–9, esp. 36–7, also in de Laurière 1723: 501–4, esp. 501–2; see Chénon 1907/8: 209–10; and esp. Chénon 1926: 1.510). The legal scholars of sixteenth-century France, following Philip the Fair’s lead, carefully distinguished between the use of the Roman law in the courts and admission of its binding force – and of the superiority and authority of the emperor.⁸

As to historical-mindedness, Philip the Fair, Petrarch’s older contemporary, believed that the past was different from the present, and that civilizations differed in fundamental ways from one another. He thought that the Romans had adopted

the Greek law. More important, at the end of his ordonnance of 1312 he declared it exceedingly beneficial for each person's education 'to know the feelings and thoughts, ceremonies, and customs of people of different places and times'.⁹ This was certainly not because he believed these things were similar to what he knew in France, but because he assumed their divergence, and believed that anyone would be enlightened by learning about them. This does not mean that Philip the Fair – or Petrarch – had the same sense of anachronism and the same attitude to the historical past that would develop by the seventeenth century, but the germs are discernible in Philip's words, as they are in Petrarch's. The process of development awaits elucidation – by historians working on both sides of the divide of 1500.

CONCLUSION

My arguments here have focused on continuities between the centuries before and after the year 1500 in three different areas: kingship and lordship, property-holding, and historical-mindedness and the law. I could have selected other topics that, equally well, would demonstrate the importance of ceasing to consider 1500 as a barrier or significant marker. As I have tried to show, doing so has created as many problems for historians of the centuries preceding 1500 as for those who study later times. Is there any solution to the problem? Is it possible to provide alternatives to 'the Middle Ages' and 'the Renaissance'?

The attempts at re-periodizing that have been made seem to me to create more difficulties than they resolve. The 'Middle Ages' have been extended forward by two centuries to encompass 'the Reformation'. Alternatively, an *Alteuropa* (Old Europe) is said to have developed between a starting point located somewhere between 1000 and 1300, and a terminus of c.1800. Neither of these approaches is satisfactory. The changes in beliefs and values linked with Luther and Calvin surely constituted more than 'a second blossoming of medieval life', whereas the phrase 'Old Europe' instantly conjures up images of a young and vibrant continent replacing one whose time has passed, and leaves unclear precisely what entity 'Old Europe' itself succeeded (Kaminsky 1988: 15–6; Kaminsky and Melton 1984: xvii; Gerhard 1981; Hassinger 1966; Brady, Oberman and Tracy 1994–5; Dickens and Tonkin 1985: 187–8; Radding 1985: 250–62).

André Ségal suggests a radical means of escaping the stifling constraints of the periodizing tradition. Focusing on 'the Middle Ages', which he denounces as 'an obstacle to understanding the origins of the West',¹⁰ Ségal ridicules 'chronological divisions' (or, literally, 'slices' – *tranches*) as 'cold cuts' (*charcuterie*), and bemoans students' predisposition to invest periods with individual personalities and treat them as 'preexistent historical beings' (Ségal 1991: 105–14). In his teaching, Ségal deals with 'the Middle Ages' by abolishing the term from his classroom, and by requiring students to dissect alternative systems of periodizing – before, surely, discarding them. Ségal's critique is as relevant to 'the Renaissance' and 'the Reformation' as it is to 'the Middle Ages', and I heartily endorse it.

My counsel to those who study the centuries that separate Philo and Jesus Christ from Francis I and Calvin is to jettison the labels 'Middle Ages' and 'Renaissance', value-loaded as they are. I recognize the nuisance of abandoning these old, familiar tags. Constructs designating broad stretches of time are both handy and

economical, far less cumbersome than more precise references to dates and centuries. As happened when I called for the abolition of ‘feudalism’ (Brown 1974), I have no doubt that I will be asked for constructs or schemas to replace the ‘Middle Ages’ and the ‘Renaissance’, which, like old friends, seem indispensable. But I believe that no convenient substitutes exist, and that none can or should be devised. I find thoroughly convincing the arguments that Lord Acton, Bloch, and Ségál have marshalled.

To free ourselves from the fetters of periodization will require persistence and courage. It is difficult to reject the comfort of a convenient crutch (which I myself have used), especially when doing so means recognizing the limitations of our powers of thought and our inability to envisage the past as a continuum. We are far less confident than Vico (1668–1774) that since human beings have made the world of nations (which he calls the civil world), human beings can comprehend it. We are less ready than he to acknowledge ‘the eternal and never failing light’ of what he believed ‘a truth beyond all question’, more discouraged than he by the limitations of the human mind, whose workings we know better than he [Vico (1744) 1968: 96–7, Section III, Principles I.1–3]. There is still hope for the future. Living in the age of computers, we have become familiar with and learned to tolerate new ways of looking at the world and organizing knowledge. These should make it easier for us to admit and gracefully accept the conceptual challenges posed to our digitally functioning, continually dividing, and fatally categorizing minds, by a world that operates analogically, the unbroken continuity of its evolution defying our attempts to grasp and comprehend it.¹¹

NOTES

- 1 Stubbs 1886: 225–6, declared that the period 1500 to 1800 was dominated by ‘the idea of the balance of power’. He denied that there was any ‘great crash at the passing of the old things and the coming in of the new’ in 1500, but, still, at that point he saw ‘France emerg[ing] from tutelage and attain[ing] to such maturity of manhood as might be expressed in the later formula “The state, it is myself”’. Stubbs 1967: 13–14, termed modern historical inquiry ‘the study of life’ and ‘the living body’, and likened investigation of ‘Antiquity’ to the study of ‘death’ and ‘the skeleton’.
- 2 On Henri-Essex Edgeworth de Firmont and his alleged admonition (‘Enfant de saint Louis, montez au ciel’), see Brosse 1968: 1–15. For the likelihood that Edgeworth actually uttered these words, see Du Fresne 1892(ii): 353–69.
- 3 As Giesey 1960: 205–6 (1986: 309–11) suspected might be the case, the ceremony of Anne of Brittany in 1514 seems to have been prompted by the treatise on antique funeral customs that Jean Lemaire de Belges wrote for Marguerite of Austria and revised for Claude, daughter of Anne of Brittany and Louis XII, who married Francis I (Lemaire de Belges).
- 4 Such was the situation of Jean du Tillet, dedicated Catholic and royal servant, who held land not only of the king but also of the Protestant leader Admiral Gaspard de Coligny, killed in the massacre of Saint Bartholomew Day in 1572. Jean’s wife Jeanne Brinon inherited the lordships of La Bussière and Villeplate, east of Orléans, from her father Jean, master of the Chambre des comptes, who died on 6 February 1541: É. Raunié, *Épitaphier du vieux Paris*. . . , 4 vols, Histoire générale de Paris, no. 22, Paris, Imprimerie nationale, 1890–1914, vol. 1, pp. 52–53, no. 92. La Bussière was held of the king, Villeplate of Coligny (until after his death his property passed to the crown): Anselme de la Vierge Marie [Pierre Guibours], *Histoire genealogique et chronologique de la Maison Royale de France*. . . , 3rd ed., H. Caille et al. (ed.), 9 vols, Paris, La Compagnie des libraires, 1726–33, vol. 7, pp. 883–4. The two lordships were given to Jean du Tillet’s son and namesake when he married Jeanne Nicolay, in 1567, three years before the deaths of his parents: A.-M. de Boislisle, *Histoire de la maison de Nicolay*. . . , 2 vols, Nogent-le-Rotrou: A. Gouverneur, 1873–75, vol. 1, pp. 266–69, no.

208. In September 1573 Charles IX made them a castellany: Paris, Archives nationales, X^{1A} 8631, fols. 44v–46v.
- 5 All these scholars seem to me to exaggerate the significance of the distinction between *mos italicus* and *mos gallicus*, concepts whose function in the *Dialogues* of Alberico Gentili (1552–1608), published in London in 1582, remains to be fully explored. But see Thireau 1980: 129, criticizing the tendency to present the approaches as fundamentally opposed, and for similar reservations, Kelley 1984a: nos. VI and VII.
 - 6 Gilmore 1963: 37, attributed the response of Jacques Cujas (1522–90) to a question regarding religious conflict – ‘This has nothing to do with the edict of the praetor’ (*Nil hoc ad edictum praetoris*) – to his belief that civil legislation should not govern religion, and to his antipathy, as a historian of Roman law, to commenting on current affairs. See also Pocock 1957: 10–11. Troje 1993: 95 persuasively argues that, alert to the danger of persecution, Cujas was simply avoiding compromising himself.
 - 7 There is a need for systematic serial study of modes of argumentation before the Parlement de Paris from the thirteenth century to the Revolution, which has been productively launched by Houllermare’s work on the sixteenth century (Houllermare 2006, 2009, 2011, 2012).
 - 8 On 16 July 1577, Étienne Pasquier argued in a brief ‘que jamais nos anciens ne furent subjectz au droit des Romains’ but noted that the French used the Roman law ‘en tant qu’ilz le trouvoient se conformer à une équité naturelle à faulte d’une loy françoise’: see Filhol 1937: 128. Cf. Thireau 1980: 97, 99. Christophe de Thou (President of the Parlement de Paris from 1554 to 1582) has been portrayed as an opponent of the Roman law. However, although dedicated to reforming and codifying French customs, he relied on the Roman and the canon law in his arguments before the Parlement, which badly need analysis: Brown 1995b: 329–30 n. 12, 369 esp. n. 148. In 1574, dedicating to de Thou his *Mosaycarum et Romanarum Legum Collatio* (Basel, Thomas Guarinus), Pierre Pithou declared that the French utilized the laws of the Romans because of the laws’ ‘reason and equity, not their authority and sanction’.
 - 9 Jean du Tillet translated this passage, ‘Car scavoir les sens, meurs & coustumes des hommes de diuers tempz et lieux prouffite beaucoup a la doctrine’: *Recueil*, p. 252. Philip the Fair’s use of the word *sensus* is particularly noteworthy; du Tillet’s ‘sens’ does not seem to me to capture the richness of the Latin word. Bynum 1997: 14–5, esp. n. 58, discusses the current debate over the nature of emotions and its implications for the study of feelings and sentiments in other times and places.
 - 10 In view of the problems associated with what Bloch 1953: 29–35 (1993: 85–9) calls ‘the idol of origins’, I would prefer to see ‘past’ substituted for ‘origins’. Bloch observed that the word ‘origins’ can be interpreted, vaguely, as ‘beginnings’, or, alternatively, as ‘causes’ – or both. He argued persuasively that ‘a historical phenomenon can never be understood apart from its moment in time’ and emphasized the danger of separating an event or an idea from the context in which it occurred.
 - 11 I am grateful to Alexander S. B. Brown, Christine Brown, Lucy L. Brown, and the late Samuel Feldman for discussing with their minimally computer-literate relative the idea I present here. Elsewhere in this chapter, I have incurred debts to Professor Paul Freedman for help in locating Lopez’s article, and to the late Professor Howard Kaminsky for his advice, and for permitting me to see in advance of publication his study of Johan Huizinga’s influence on current images of the fourteenth and fifteenth centuries, ‘From lateness to waning to crisis: The burden of the later middle ages’, *Journal of Early Modern History* 4 (2000), pp. 85–125.

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Abbreviations: abb. (abbess), abp (archbishop), abt (abbot), bp (bishop), card. (cardinal), ch. (church), conv. (convent), d. (daughter), emp. (emperor), emps (empress), histn (historian), kg (king), M. A. (Middle Ages), med. (medieval), mon. (monastery), O. Carm. (Carmelite), O. Cist. (Cistercian) OFM (Franciscan), OP (Dominican), pmh (post-med. histn), pms (post-med. scholar or writer), pr. (prior, prioress, priory)

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